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ATTORNEYS FOR ALL PLAINTIFFS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO/OAKLAND
DIVISION

JANE ROE, an individual; MARY ROE,
an individual; SUSAN ROE, an
individual; JOHN ROE, an individual;
BARBARA ROE, an individual;
PHOENIX HOTEL SF, LLC, a
California limited liability company;
FUNKY FUN, LLC, a California limited
liability company; and 2930 EL
CAMINO, LLC, a California limited
liability company,

Plaintiffs,

v.

CITY AND COUNTY OF SAN
FRANCISCO, a California public entity,

Defendants.

Case No. 4:24-cv-01562-JST

**DECLARATION OF ASHCON
MINOIEFAR IN SUPPORT OF
PLAINTIFFS' REPLY, REQUEST
FOR JUDICIAL NOTICE AND
OBJECTIONS TO EVIDENCE**

**ASSIGNED FOR ALL PURPOSES
TO THE HONORABLE DISTRICT
JUDGE JON S. TIGAR,
COURTROOM 6**

Action Filed: 03/14/2024
Trial Date: Unassigned

1 I, Ashcon Minoiefar, declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am an
3 associate with Walkup, Melodia, Kelly & Schoenberger, attorneys of record for ALL
4 PLAINTIFFS. I have personal knowledge of the facts set forth herein, and if called
5 as a witness, I could and would competently testify thereto. I make this declaration
6 based in support of Declaration of Ashcon Minoiefar in Support of Plaintiffs' Reply.

7 2. Attached hereto as Exhibit A is a true and correct copy of the file-
8 endorsed complaint filed by the San Francisco City Attorney's Office in *City and*
9 *County of San Francisco and the People of the State of California v. 2008 Oh Family*
10 *Trust, et al.*, Case No. CGC-25-624263, filed in the San Francisco Superior Court on
11 April 10, 2025. This complaint is a matter of public record, available through the San
12 Francisco Superior Court's public docket and the City Attorney's website at
13 [https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC25624263&SessionID=E778F](https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC25624263&SessionID=E778F61A599538CC06A418DFC4D2A4EB2A06BFDD)
14 [61A599538CC06A418DFC4D2A4EB2A06BFDD](https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC25624263&SessionID=E778F61A599538CC06A418DFC4D2A4EB2A06BFDD). I personally accessed and
15 downloaded this complaint from the website on November 20, 2025.

16 3. Attached hereto as Exhibit B is a true and correct copy of the file-
17 endorsed complaint filed by the San Francisco City Attorney's Office in *City and*
18 *County of San Francisco and the People of the State of California v. Ursula Fung, et*
19 *al.*, Case No. CGC-25-624264, filed in the San Francisco Superior Court on April 10,
20 2025. This complaint is a matter of public record, available through the San
21 Francisco Superior Court's public docket and the City Attorney's website at
22 [https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC25624264&SessionID=A16F2](https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC25624264&SessionID=A16F2BCBF17416AE2682A5F073E9D83BE345BA20)
23 [BCBF17416AE2682A5F073E9D83BE345BA20](https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC25624264&SessionID=A16F2BCBF17416AE2682A5F073E9D83BE345BA20). I personally accessed and
24 downloaded this complaint from the website on November 20, 2025.

25 4. Attached hereto as Exhibit C is a true and correct copy of the file-
26 endorsed complaint filed by the San Francisco City Attorney's Office in *City and*
27 *County of San Francisco and the People of the State of California v. 155 Turk Street*
28 *Associates L.P.*, Case No. CGC-25-624266, filed in the San Francisco Superior Court

1 on April 10, 2025. This complaint is a matter of public record, available through the
2 San Francisco Superior Court's public docket and the City Attorney's website at
3 [https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC25624266&SessionID=A16F2](https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC25624266&SessionID=A16F2BCBF17416AE2682A5F073E9D83BE345BA20)
4 [BCBF17416AE2682A5F073E9D83BE345BA20](https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC25624266&SessionID=A16F2BCBF17416AE2682A5F073E9D83BE345BA20). I personally accessed and
5 downloaded this complaint from the website on November 20, 2025.

6 5. Attached hereto as Exhibit D is a true and correct copy of the official
7 press release issued by the San Francisco City Attorney's Office on April 11, 2025,
8 titled "*City Attorney Sues Tenderloin Drug and Gambling Dens Fronting as Small*
9 *Businesses*." This press release was publicly posted on the City Attorney's official
10 government website at [https://sfcityattorney.org/city-attorney-sues-tenderloin-drug-](https://sfcityattorney.org/city-attorney-sues-tenderloin-drug-and-gambling-dens-fronting-as-small-businesses/)
11 [and-gambling-dens-fronting-as-small-businesses/](https://sfcityattorney.org/city-attorney-sues-tenderloin-drug-and-gambling-dens-fronting-as-small-businesses/). I personally accessed and
12 downloaded this press release from the website on November 20, 2025

13 6. Attached hereto as Exhibit E is a true and correct copy of the *San*
14 *Francisco Department of Public Health Pilot Treatment Connections and Safer Use*
15 *Supplies Distribution Policy*, dated April 2, 2025. This document was published and
16 distributed by the San Francisco Department of Public Health ("SFDPH") and is
17 publicly on the City and County of San Francisco's *Behavioral Health Services*
18 *Policies and Procedures* webpage, under the "DPH BHS Policies" section
19 ([https://www.sf.gov/resource--2024--behavioral-health-services-policies-and-](https://www.sf.gov/resource--2024--behavioral-health-services-policies-and-procedures)
20 [procedures](https://www.sf.gov/resource--2024--behavioral-health-services-policies-and-procedures)). I personally accessed and downloaded this document on November 20,
21 2025 from that website at
22 [https://media.api.sf.gov/documents/SFDPH_Pilot_Treatment_Connections_and_Safer](https://media.api.sf.gov/documents/SFDPH_Pilot_Treatment_Connections_and_Safer_Use_Supplies_Distribution_Policy_0_jFdYzBG.pdf)
23 [Use_Supplies_Distribution_Policy_0_jFdYzBG.pdf](https://media.api.sf.gov/documents/SFDPH_Pilot_Treatment_Connections_and_Safer_Use_Supplies_Distribution_Policy_0_jFdYzBG.pdf).

24 7. Each of the foregoing exhibits is an official government record or
25 publication whose authenticity can be verified from public sources. These documents
26 are not subject to reasonable dispute and are appropriate for judicial notice under
27 Federal Rule of Evidence 201(b).

1 8. Attached hereto as Exhibit F is a true and correct copy of relevant
2 excerpts from the deposition transcript of Tyler TerMeer, Ph.D dated November 14,
3 2025.

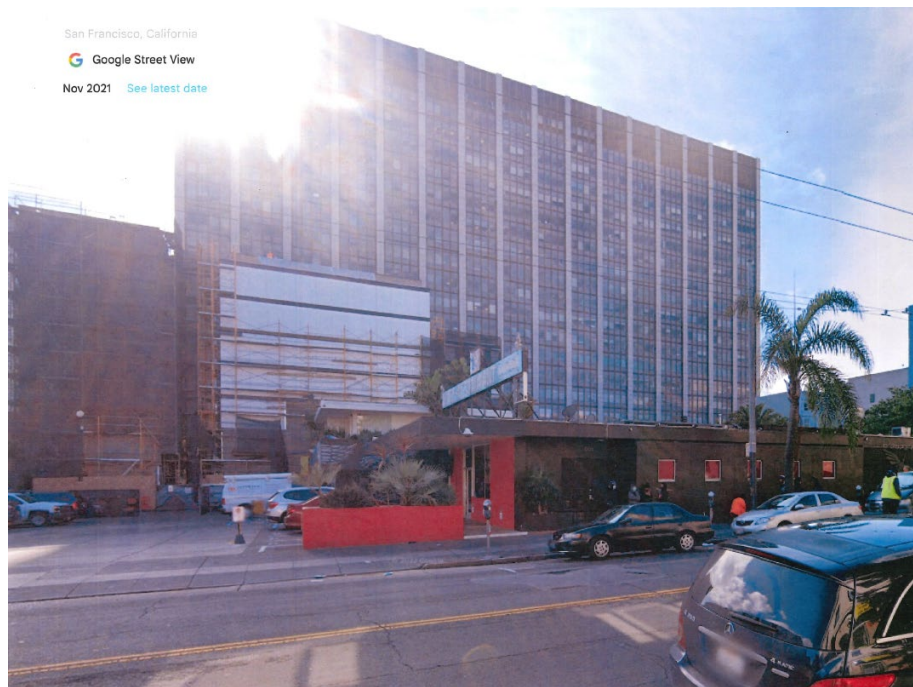
4 9. Attached hereto as Exhibit G is a true and correct copy of relevant
5 excerpts from the deposition transcript of Susan Philip, M.D. dated November 14,
6 2025.

7 10. Attached hereto as Exhibit H is a true and correct copy of relevant
8 excerpts from the deposition transcript of Omar Ward dated November 7, 2025.

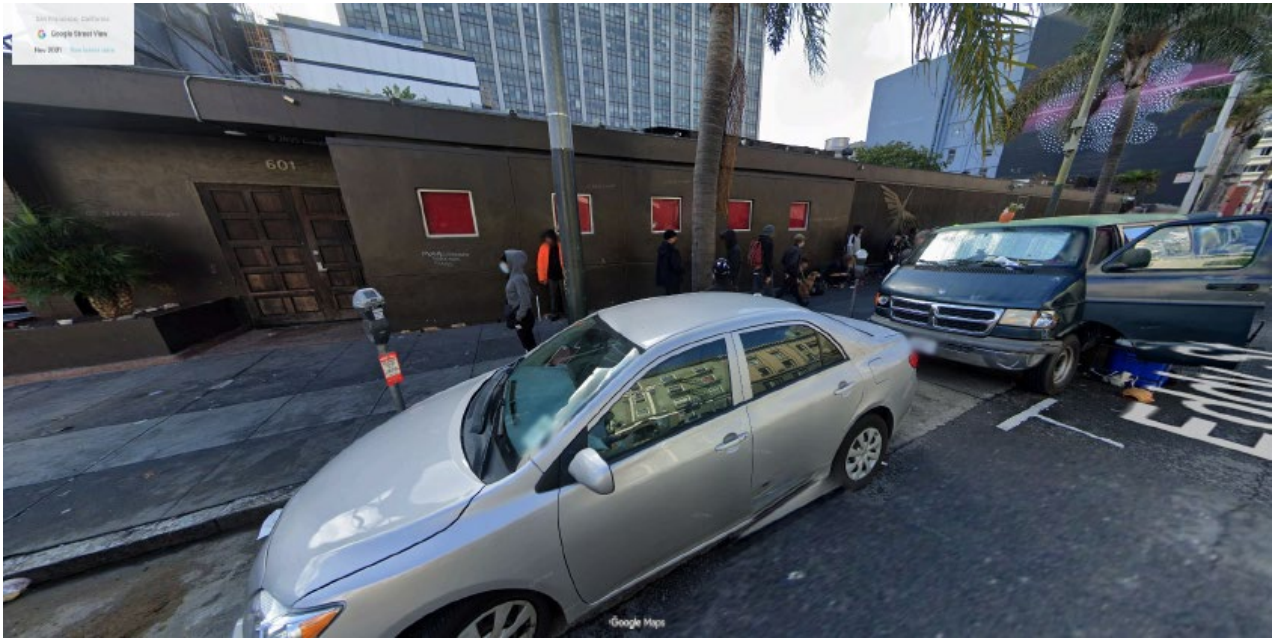
9 11. Attached hereto as Exhibit I is a true and correct copy of relevant
10 excerpts from the deposition transcript of Commander Scott Biggs dated October 29,
11 2025.

12 12. Attached hereto as Exhibit J is a true and correct copy of relevant
13 excerpts from the deposition transcript of Joseph Wilson dated November 14, 2025.

14 13. Attached hereto and depicted below is Exhibit K is a true and correct
15 copy of Exhibit 18 from the deposition of the Person Most Qualified on behalf of
16 Plaintiff Pheonix Hotel, Isabel Manchester.



1 14. Attached hereto and depicted below as Exhibit L is a true and correct
 2 copy of a google street image view from the same date at Exhibit K, November 2021. I
 3 accessed and downloaded the image on November 20, 2025. Exhibit L depicts the
 4 same silver Toyota depicted in Exhibit K, but depicts the nuisance conditions hidden
 5 behind the Corolla and just off screen.



16 15. Attached hereto, and depicted below, as Exhibit M is a true and correct
 17 copy of a google street image view from the same date at Exhibit K, November 2021. I
 18 accessed and downloaded the image on November 20, 2025. Exhibit M depicts the
 19 sidewalk outside the Pheonix Hotel that was cut out of Exhibit K.

20 ////

21 ////

22 ////

23 ////

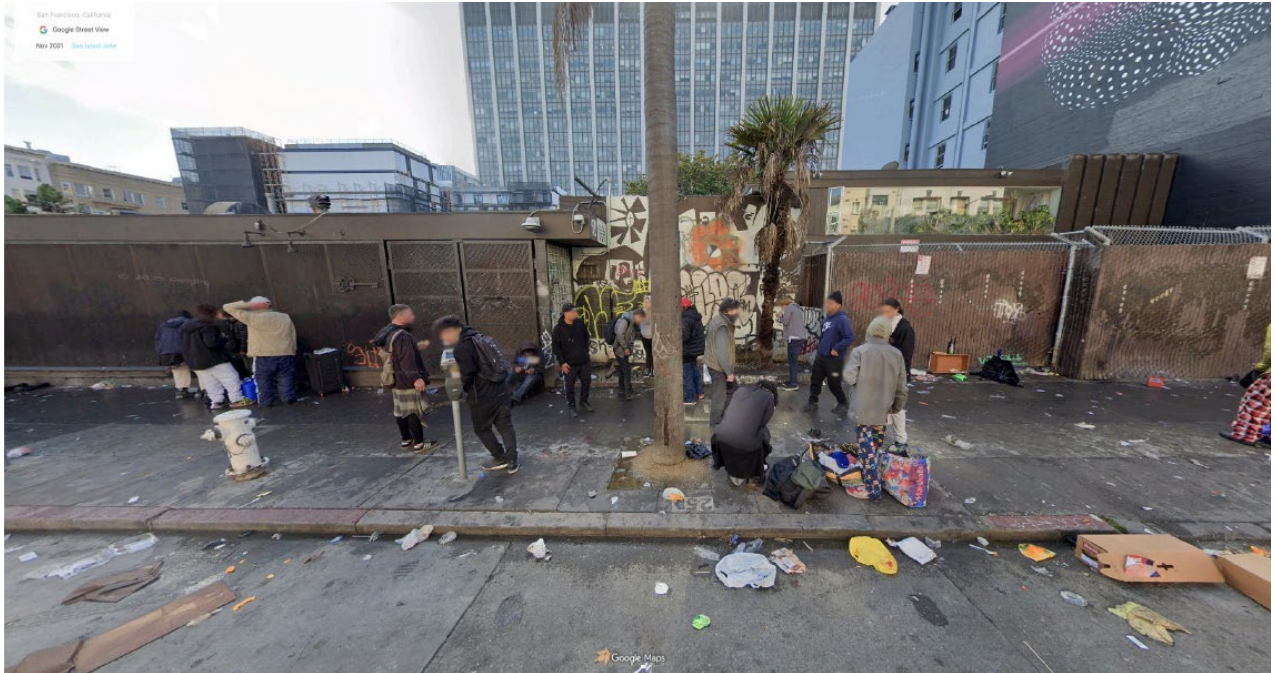
24 ////

25 ////

26 ////

27 ////

28



I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on this 21st day of November, 2025, at San Francisco, California.

Al Mof

EXHIBIT A

DAVID CHIU, State Bar #189542
City Attorney
YVONNE R. MERÉ, State Bar #173594
Chief Deputy City Attorney
WADE CHOW, State Bar #168527
Chief Attorney
Code Enforcement Team
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Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

04/10/2025
Clerk of the Court

BY: SAHAR ENAYATI
Deputy Clerk

CGC-25-624263

CITY AND COUNTY OF SAN
FRANCISCO, a Municipal Corporation; and
the PEOPLE OF THE STATE OF
CALIFORNIA, by and through David Chiu,
City Attorney for the City and County of San
Francisco,

Plaintiffs,

vs.

2008 OH FAMILY TRUST, YONG D. OH, an
individual, KIL S. OH, an individual,
FAMILY CORNER DISCOUNTS WADHAH
ALBARAK, an individual, US SMOKE
SHOP, MOHAMMED HASSAN, an
individual, DOE ONE through DOE FIFTY,

Defendants.

Case No.

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF AND PENALTIES**

Type of Complaint [42] Other

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1 The CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, and the PEOPLE
2 OF THE STATE OF CALIFORNIA, by and through San Francisco City Attorney DAVID CHIU
3 (collectively “Plaintiffs”), file their Complaint against Defendants 2008 OH FAMILY TRUST, YONG
4 D. OH, an individual, KIL S. OH, an individual, FAMILY CORNER DISCOUNTS, WADHAH
5 ALBARAK, an individual, US SMOKE SHOP, MOHAMMED HASSAN, and, DOE ONE through
6 DOE FIFTY (collectively “Defendants”). PLAINTIFFS hereby allege as set forth below:

7 INTRODUCTION

8 1. Since DEFENDANTS have been in business, the residents of the Tenderloin
9 neighborhood have suffered due to the DEFENDANTS’ illegal acts and business practices at the
10 property located at parcel 0333, lot 001, at the corner of Ellis Street and Jones Street in San Francisco,
11 California. DEFENDANTS operate two separate businesses at this parcel and lot, at 401 and 415 Ellis
12 Street, that contribute to the criminal activity in the Tenderloin. This action seeks to put an end to that
13 activity.

14 2. DEFENDANT WADHAH ALBARAK has owned and operated the FAMILY
15 CORNER DISCOUNTS since at least February 2024. Due to the illegal gambling, fencing and drug
16 sales at the property, the FAMILY CORNER DISCOUNTS has attracted criminal and nuisance
17 activity to the surrounding community, necessitating police intervention and adversely affecting the
18 neighborhood and the health, safety, and well-being of those who live and work in the area, as well as
19 the general public.

20 3. By allowing illegal gambling to occur at the FAMILY CORNER DISCOUNTS,
21 DEFENDANTS have maintained the property as a nuisance in violation of California Penal Code
22 sections 11225-11235 (“Red Light Abatement Law”).

23 4. In addition to the illegal gambling occurring at the FAMILY CORNER DISCOUNTS,
24 DEFENDANTS contribute to the problems on the 400 block of Ellis Street and in the surrounding
25 neighborhood by maintaining a safe haven at the FAMILY CORNER DISCOUNTS for drug dealers
26 and users. DEFENDANTS sell drug paraphernalia at the FAMILY CORNER DISCOUNTS and
27 permit the service, storage and possession of controlled substances at the FAMILY CORNER
28

1 DISCOUNTS. Drug dealers routinely loiter inside and in front of FAMILY CORNER DISCOUNTS,
2 attracting large groups of drug users to this area.

3 5. Defendants also operate FAMILY CORNER DISCOUNTS in an illegal manner by
4 knowingly purchasing and selling stolen property.

5 6. DEFENDANT MOHAMMED HASSAN have owned and/or operated the US SMOKE
6 SHOP since at least September 2022. Due to the illegal gambling, fencing and drug sales at the
7 property, the US SMOKE SHOP has attracted criminal and nuisance activity to the surrounding
8 community, necessitating police intervention and adversely affecting the neighborhood and the health,
9 safety, and well-being of those who live and work in the area, as well as the general public.

10 7. By allowing illegal gambling to occur at the US SMOKE SHOP, DEFENDANTS have
11 maintained the property as a nuisance in violation of California Penal Code sections 11225-11235
12 (“Red Light Abatement Law”).

13 8. In addition to the illegal gambling occurring at the US SMOKE SHOP,
14 DEFENDANTS contribute to the problems on the 400 block of Ellis Street and in the surrounding
15 neighborhood by maintaining a safe haven at the US SMOKE SHOP for drug dealers and users.
16 DEFENDANTS sell drug paraphernalia at US SMOKE SHOP and permit the service, storage and
17 possession of controlled substances at the US SMOKE SHOP. Drug dealers routinely loiter inside and
18 in front of US SMOKE SHOP, attracting large groups of drug users to this area.

19 9. Defendants also operate US SMOKE SHOP in an illegal manner by knowingly
20 purchasing and selling stolen property.

21 10. By allowing illegal gambling and the sale of drug paraphernalia to occur at FAMILY
22 CORNER DISCOUNTS and the US SMOKE SHOP, DEFENDANTS have maintained the property as
23 a public nuisance in violation of California Civil Code sections 3479-3480.

24 11. By operating, and/or allowing the operation of, the FAMILY CORNER DISCOUNTS
25 and the US SMOKE SHOP in repeated violation of applicable state and local laws and as a nuisance,
26 DEFENDANTS have also demonstrated a pattern and practice of engaging in unlawful business
27 practices in violation of the Unfair Competition Law (“UCL”), California Business and Professions
28 Code sections 17200-17210.

12. California’s Gambling Control Act (“GCA”), Business and Professions Code sections 19800 *et seq.* was passed in 1997. While gambling establishments have existed in California for over 100 years, the legal gambling industry prior to 1984 was almost entirely unregulated; California law has since outlawed certain forms of gambling and left other forms free of government oversight or regulation.

13. With the passage of the GCA, the California Legislature recognized that “[u]nregulated gambling enterprises are inimical to the public health, safety, welfare, and good order. Accordingly, no person in this state has a right to operate a gambling enterprise except as may be expressly permitted by the laws of this state and by the ordinances of local governmental bodies.” Business and Professions Code section 19801(d).

14. California has long recognized the adverse impact of gambling on individuals and communities and has consequently restricted legal gambling to the California Lottery, “card rooms,” casinos operated by Native American tribes, and race tracks. State law and many local ordinances make virtually all other forms of gambling expressly illegal and provide local governments both civil and criminal remedies to address the crime and nuisance created by illegal gambling operations. *See* Penal Code Chapter 10, sections 330-337 *et seq.* and 11225-11235; San Francisco Municipal Police Code sections 325-327.

15. In order to lawfully operate a business in which drug paraphernalia is offered, sold, or given away, the business must keep and display the drug paraphernalia in a separate room, and the business must exclude minors not accompanied by a parent or legal guardian from entry. *See* Health and Safety Code, Chapter 6, section 11364.5.

16. By allowing controlled substances to be sold, served, stored, kept, manufactured, or given away at FAMILY CORNER DISCOUNTS and the US SMOKE SHOP, DEFENDANTS also have maintained the PROPERTY as a *per se* public nuisance, in violation of the state Drug Abatement Law, California Health and Safety Code Sections 11570-11587, and California Civil Code Sections 3479, 3480, 3491, and 3494.

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PARTIES AND SUBJECT PROPERTY

17. Plaintiff CITY AND COUNTY OF SAN FRANCISCO (the “CITY”) is a municipal corporation organized and existing under and by virtue of the laws of the State of California, and is a city and county. The CITY brings this action under the Red Light Abatement Law, the Drug Abatement Act, California Civil Code sections 3479, 3480, 3491, 3494, and California Code of Civil Procedure section 731.

18. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA (the “PEOPLE”), by and through David Chiu, City Attorney of the City and County of San Francisco, bring this action pursuant to the Red Light Abatement Law, the Unfair Competition Law, Drug Abatement Act, Civil Code Sections 3479, 3480, 3491, 2494, and Code of Civil Procedure Section 731.

19. Defendant 2008 OH FAMILY TRUST, (“TRUST”) owns the property where the FAMILY CORNER DISCOUNTS and the US SMOKE SHOP are located, parcel 0333, lot 001 located at the corner of Ellis Street and Jones Street in San Francisco, California. (“PROPERTY”).

20. YONG D. OH, an individual, is a trustee of the TRUST and is domiciled in San Francisco, California.

21. KIL S. OH, an individual, is a trustee of the TRUST and is domiciled in San Francisco, California.

22. WADHAH ALBARAK is an individual who owns, manages and/or operates FAMILY CORNER DISCOUNTS, a commercial business located at 401 Ellis Street, in the City and County of San Francisco. FAMILY CORNER DISCOUNTS is an illegal gambling business, where patrons pay to play slot machines for the chance to win cash payouts. WADHAH ALBARAK owns FAMILY CORNER DISCOUNTS and is the commercial tenant of the TRUST. Actions taken, or omissions made, by WADHAH ALBARAK’s employees or agents in the course of their employment or agency at FAMILY CORNER DISCOUNTS are considered to be actions or omissions of WADHAH ALBARAK for the purposes of this Complaint.

23. WADHAH ALBARAK is domiciled in Oakland, California.

24. MOHAMMED HASSAN is the individual who owns, manages and/or operates the US SMOKE SHOP, a commercial business located at 415 Ellis Street, in the City and County of San

1 Francisco. The US SMOKE SHOP is an illegal gambling business, where patrons pay to play slot
 2 machines for the chance to win cash payouts. MOHAMMED HASSAN owns US SMOKE SHOP and
 3 is the commercial tenant of the TRUST. Actions taken, or omissions made, by MOHAMMED
 4 HASSAN's employees or agents in the course of their employment or agency at US SMOKE SHOP
 5 are considered to be actions or omissions of MOHAMMED HASSAN for the purposes of this
 6 Complaint.

7 25. MOHAMMED HASSAN is domiciled in Torrance, California.

8 26. Defendants DOE ONE through DOE FIFTY are sued herein under fictitious names.
 9 Plaintiffs do not at this time know the true names or capacities of said defendants, but pray that the
 10 same may be alleged herein when ascertained.

11 GENERAL ALLEGATIONS

12 I. FAMILY CORNER DISCOUNTS IS A GAMBLING SHACK WHERE DRUGS ARE SOLD

13 27. FAMILY CORNER DISCOUNTS is a commercial business located on a busy
 14 commercial street in the Tenderloin district of San Francisco. WADHAH ALBARAK owns and/or
 15 operates FAMILY CORNER DISCOUNTS, which has been in operation since at least February 2024.
 16 MOHAMMED HASSAN leases the commercial space from the TRUST. .

17 28. FAMILY CORNER DISCOUNTS has the appearance of a convenience store.
 18 However, at all times pertinent to the allegations of this Complaint, DEFENDANTS kept electronic
 19 slot machines on site. Patrons inserted cash into these slot machines for a chance to win cash payouts.

20 29. The FAMILY CORNER DISCOUNTS had electronic slot machines to satisfy almost
 21 any patron; the machines were different varieties of "spinning reel" slot machine games. Patrons who
 22 inserted cash into the machines obtained "points" or "credits" that they used to play the machines.
 23 Patrons played by selecting buttons on the video displays or on the machine, and won or lost their
 24 "points" or "credits" as they played, depending on chance. The outcome of the games was
 25 unpredictable to the patrons. The machines kept track of the patron's "wins," and a winning player
 26 collected their winnings from a cashier at the FAMILY CORNER DISCOUNTS, who paid out the
 27 winnings in cash.

28 ///

1 30. On January 14, 2025, a San Francisco Police Department officer conducted surveillance
2 on the FAMILY CORNER DISCOUNTS. The officer saw the outline of what they believed to be a
3 gambling machine. Many people were loitering around the machine. Some of those people would
4 occasionally walk to the clerk and then return to the machine. No one exited the store carrying a
5 grocery bag or appeared to have made any purchases at the store.

6 31. The officer then saw an individual enter FAMILY CORNER DISCOUNTS who
7 appeared to be concealing something under his jacket. This individual opened his jacket to the store
8 clerk, showing what he was carrying. The clerk looked at the inside of his jacket and appeared to
9 decline what the individual was offering. As the individual exited the store, the officer saw that the
10 person was carrying a container of laundry detergent. These observations made the officer believe the
11 store was buying and reselling stolen goods.

12 32. On January 15, 2025, two undercover San Francisco Police Department officers entered
13 the FAMILY CORNER DISCOUNTS and saw five gambling machines. There were several people
14 playing the machines. The undercover officers played two separate the machines and lost money. The
15 officers then heard another patron playing a game next to him request a “cash out.” The officer saw the
16 store clerk pay the patron \$25. The officers then saw the clerk “cash out” a different patron, but was
17 unable to determine the amount the clerk paid.

18 33. On January 28, 2025, members of the San Francisco Police Department obtained and
19 executed a search warrant at the FAMILY CORNER DISCOUNTS.

20 34. Members of the San Francisco Police Department found significant evidence of
21 criminal activity while executing the search warrant at the FAMILY CORNER DISCOUNTS. Officers
22 seized 6 electronic gambling machines, 50.8 grams of methamphetamine located under a display shelf,
23 and \$4,456 of cash from the electronic gambling machines and the register. The officers also seized a
24 ledger that contained “pay/owe” sheets.

25 35. In addition, officers seized evidence indicating FAMILY CORNER DISCOUNTS was
26 selling contraband and stolen property. Officers found cartons of cigarettes that were manufactured
27 outside of the United States. In addition, officers seized merchandise displayed for sale that had
28 original price stickers for a different business, namely CVS.

36. Lastly, the officers obtained evidence showing FAMILY CORNER DISCOUNTS was profiting from the drug crisis in the Tenderloin. Officers saw hundreds of glass pipes, which are commonly used to smoke methamphetamine and crack cocaine, and small plastic baggies for sale at the FAMILY CORNER DISCOUNTS. The glass pipes were kept at the front of the store by the cash register, in an area of the FAMILY CORNER DISCOUNTS that was accessible to minors.

37. The FAMILY CORNER DISCOUNTS' gambling operation is illegal under Penal Code section 330b, which makes it unlawful for businesses to operate or possess, and property owners to allow the operation or possession of, slot machines, which it defines as follows:

[A] machine, apparatus, or device that is adapted, or may readily be converted, for use in a way that, as a result of the insertion of any piece of money or coin or other object, or by any other means, the machine or device is caused to operate or may be operated, and by reason of any element of hazard or chance or of other outcome of operation unpredictable by him or her, the user may receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or additional chance or right to use the slot machine or device, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value, or which may be given in trade, irrespective of whether it may, apart from any element of hazard or chance or unpredictable outcome of operation, also sell, deliver, or present some merchandise, indication of weight, entertainment, or other thing of value.

38. The FAMILY CORNER DISCOUNTS also violates San Francisco Municipal Police Code section 325, which provides:

It shall be unlawful for any person, either as owner, lessee, agent, employee, mortgagee or otherwise to operate, keep, maintain, rent, use or conduct, within the City and County of San Francisco, any clock, tape, slot or card machine, or any other machine, contrivance or device upon which money is staked or hazarded upon chance or into which money is paid, deposited, or played, upon chance or upon result of the action of which money or any other article or thing of value is staked, bet, hazarded, won or lost upon chance.

39. The FAMILY CORNER DISCOUNTS violates Health and Safety Code Section 11570, which makes it unlawful for a building to be used to sell, serve, store, keep, manufacture or give away any controlled substance.

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40. Since the FAMILY CORNER DISCOUNTS opened, criminal and nuisance activity have increased in the area, necessitating police intervention and adversely affecting the surrounding neighborhood. The neighborhood has experienced a rising number of thefts, assaults, drug-related offenses and arrests of FAMILY CORNER DISCOUNTS customers wanted on outstanding warrants. DEFENDANTS' maintenance of the FAMILY CORNER DISCOUNTS has interfered with the comfortable enjoyment of life and property in the surrounding community. Its continued operation is a nuisance that threatens the health and safety of the neighborhood and the well-being of those who live and work in the area, as well as the general public.

II. US SMOKE SHOP IS A GAMBLING SHACK WHERE DRUGS AND ILLEGAL FLAVORED TOBACCO PRODUCTS ARE SOLD

41. US SMOKE SHOP is a commercial business located on a busy commercial street in the Tenderloin district of San Francisco. MOHAMMED HASSAN owns and/or operates US SMOKE SHOP, which has been in operation since at least 2022. MOHAMMED HASSAN leases the commercial space from the TRUST. .

42. US SMOKE SHOP has the appearance of a smoke shop. However, at all times pertinent to the allegations of this Complaint, DEFENDANTS kept electronic slot machines on site. Patrons inserted cash into these slot machines for a chance to win cash payouts.

43. The US SMOKE SHOP had electronic slot machines to satisfy almost any patron; the machines were different varieties of "spinning reel" slot machine games. Patrons who inserted cash into the machines obtained "points" or "credits" that they used to play the machines. Patrons played by selecting buttons on the video displays or on the machine, and won or lost their "points" or "credits" as they played, depending on chance. The outcome of the games was unpredictable to the patrons. The machines kept track of the patron's "wins," and a winning player collected their winnings from a cashier at the US SMOKE SHOP, who paid out the winnings in cash.

44. Members of the San Francisco Police Department received a number of complaints of illegal gambling occurring inside the US SMOKE SHOP in early January 2025. One officer walked by the US SMOKE SHOP in response to these complaints and saw at least two gambling machines in plain view.

1 45. On January 19, 2025, an undercover San Francisco Police officer entered the US
2 SMOKE SHOP. The officer , the undercover officer observed five electronic gambling machines
3 along one of the walls. The officer then used \$15 to gamble on one of the machines. The officer lost
4 the money and left the store.

5 46. On January 28, 2025, members of the San Francisco Police Department obtained and
6 executed a search warrant at the US SMOKE SHOP.

7 47. Members of the San Francisco Police Department found significant evidence of
8 criminal activity while executing the search warrant at the US SMOKE SHOP. Officers seized 5
9 electronic gambling machines, two pistol magazines, a digital scale, \$17,269 of cash from the
10 machines and the register, and a substantial amount of loose leaf cannabis, pre-rolled cannabis joints
11 and individual vape cartridges containing cannabis. There was a sign posted on one gambling machine
12 saying “Don’t cash yourself out!! We will not be responsible!!” The officers also seized a ledger that
13 contained “pay/owe” sheets.

14 48. The officers also seized a substantial number of illegal flavored tobacco products that
15 were for sale. These items were found in a back room of the US SMOKE SHOP that was inaccessible
16 to the public.

17 49. The US SMOKE SHOP’s gambling operation is illegal under Penal Code section 330b,
18 which makes it unlawful for businesses to operate or possess, and property owners to allow the
19 operation or possession of, slot machines, which it defines as follows:

20 [A] machine, apparatus, or device that is adapted, or may readily be
21 converted, for use in a way that, as a result of the insertion of any piece
22 of money or coin or other object, or by any other means, the machine or
23 device is caused to operate or may be operated, and by reason of any
24 element of hazard or chance or of other outcome of operation
25 unpredictable by him or her, the user may receive or become entitled to
26 receive any piece of money, credit, allowance, or thing of value, or
27 additional chance or right to use the slot machine or device, or any
28 check, slug, token, or memorandum, whether of value or otherwise,
which may be exchanged for any money, credit, allowance, or thing of
value, or which may be given in trade, irrespective of whether it may,
apart from any element of hazard or chance or unpredictable outcome of
operation, also sell, deliver, or present some merchandise, indication of
weight, entertainment, or other thing of value.

1 50. The US SMOKE SHOP also violates San Francisco Municipal Police Code section
2 325, which provides:

3 It shall be unlawful for any person, either as owner, lessee, agent,
4 employee, mortgagee or otherwise to operate, keep, maintain, rent, use
5 or conduct, within the City and County of San Francisco, any clock,
6 tape, slot or card machine, or any other machine, contrivance or device
7 upon which money is staked or hazarded upon chance or into which
8 money is paid, deposited, or played, upon chance or upon result of the
9 action of which money or any other article or thing of value is staked,
10 bet, hazarded, won or lost upon chance.

11 51. The US SMOKE SHOP violates Health and Safety Code Section 11570, which makes
12 it unlawful for a building to be used to sell, serve, store, keep, manufacture or give away any
13 controlled substance. The US SMOKE SHOP is not a licensed cannabis dispensary and cannot
14 lawfully sell cannabis.

15 52. The US SMOKE SHOP violates San Francisco Health Code Sections 581(b)(18),
16 600(b), 19H.3, 19H.18, 19Q.3(a), and 19R.2, which collectively bans the sale of flavored tobacco
17 products.

18 53. Since the US SMOKE SHOP opened, criminal and nuisance activity have increased in
19 the area, necessitating police intervention and adversely affecting the surrounding neighborhood. The
20 neighborhood has experienced a rising number of thefts, assaults, drug-related offenses and arrests of
21 US SMOKE SHOP customers wanted on outstanding warrants. DEFENDANTS' maintenance of the
22 US SMOKE SHOP has interfered with the comfortable enjoyment of life and property in the
23 surrounding community. Its continued operation is a nuisance that threatens the health and safety of
24 the neighborhood and the well-being of those who live and work in the area, as well as the general
25 public.

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FIRST CAUSE OF ACTION**FOR VIOLATION OF THE RED LIGHT ABATEMENT ACT BROUGHT BY PLAINTIFFS
PEOPLE OF THE STATE OF CALIFORNIA AND THE CITY AND COUNTY OF SAN
FRANCISCO AGAINST ALL DEFENDANTS BASED ON GAMBLING AT FAMILY
CORNER DISCOUNTS AND THE US SMOKE SHOP
(Penal Code Sections 11225 -11235)**

54. Plaintiffs PEOPLE OF THE STATE OF CALIFORNIA and the CITY AND COUNTY OF SAN FRANCISCO hereby incorporate by reference paragraphs 1 through 54 above, as though fully set forth herein.

55. From 2023 through the present, DEFENDANTS have operated, and/or permitted the operation of, an illegal gambling establishment at FAMILY CORNER DISCOUNTS and the US SMOKE SHOP by possessing and/or operating, or permitting the possession and operation of, “machine[s] or device[s]” that “may be operated, and by reason of . . . hazard or chance or of other outcome of operation unpredictable by [the user], the user may receive or become entitled to receive . . . [an] additional chance or right to use the slot machine or device” or a “token, or memorandum . . . which may be exchanged for any money, credit, allowance, or thing of value.” Penal Code section 330b(d). By possessing and/or operating, and/or permitting the possession and/or operation of, these machines or devices, DEFENDANTS have violated and continue to violate Penal Code section 330b(d) and San Francisco Municipal Police Code sections 325-327. This illegal gambling operation constitutes a nuisance as a matter of law under Penal Code section 11225.

56. Pursuant to Penal Code section 11230, PLAINTIFFS request that the Court order the closure of FAMILY CORNER DISCOUNTS and the US SMOKE SHOP for one year and impose civil penalties of \$25,000.00 against each Defendant to prevent DEFENDANTS from continuing to maintain or permit a nuisance at the property.

57. Unless said nuisance is abated, the surrounding community and neighborhood, and the residents and citizens of the City and County of San Francisco and the People of California, will suffer irreparable injury and damage, in that said conditions will continue to be dangerous to the life, safety or health of those who live and work near FAMILY CORNER DISCOUNTS and the US SMOKE SHOP and the general public.

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58. PLAINTIFFS have no adequate remedy at law in that damages alone are insufficient to protect the public from the present injury and harm caused by the conduct described above.

SECOND CAUSE OF ACTION

FOR PUBLIC NUISANCE BROUGHT BY PLAINTIFFS PEOPLE OF THE STATE OF CALIFORNIA AND THE CITY AND COUNTY OF SAN FRANCISCO AGAINST ALL DEFENDANTS BASED ON THE SALE OF NARCOTICS AT FAMILY CORNER DISCOUNTS AND THE US SMOKE SHOP

(Health And Safety Code Sections 11570 -11587)

40. Plaintiffs People of the State of California and the City and County of San Francisco hereby incorporate by reference paragraphs 1 through 39 above, as though fully set forth herein.

41. DEFENDANTS and their employees and agents have sold, stored, or possessed controlled substances at FAMILY CORNER DISCOUNTS and the US SMOKE SHOP and/or permitted the sale, storage, possession, manufacture, consumption or distribution of controlled substances at FAMILY CORNER DISCOUNTS and the US SMOKE SHOP. Such conduct constitutes a nuisance as a matter of law pursuant to California Health and Safety Code Section 11570.

42. Pursuant to California Health and Safety Code Section 11581, Plaintiffs request that the Court close FAMILY CORNER DISCOUNTS and the US SMOKE SHOP for one year and impose civil penalties of \$25,000.00 against each DEFENDANT to prevent DEFENDANTS from continuing to maintain a nuisance at FAMILY CORNER DISCOUNTS and the US SMOKE SHOP.

43. Unless said nuisance is abated, the residents and citizens of the City and County of San Francisco and the People of California will suffer irreparable injury and damage, in that said conditions will continue to be dangerous to the life, safety or health of those who live and work near FAMILY CORNER DISCOUNTS and the US SMOKE SHOP and the general public.

44. Plaintiffs have no adequate remedy at law in that damages alone are insufficient to protect the public from the present injury and harm caused by the conduct described above.

THIRD CAUSE OF ACTION

FOR UNLAWFUL BUSINESS PRACTICES BROUGHT BY PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA AGAINST ALL DEFENDANTS

(California Business and Professions Code Sections 17200-17210)

45. Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, hereby incorporates by reference paragraphs 1 through -- above, as though fully set forth herein.

1 46. The PEOPLE bring this cause of action in the public interest in the name of the
 2 PEOPLE OF THE STATE OF CALIFORNIA, pursuant to Business and Professions Code sections
 3 17200 through 17210, in order to protect the residents and owners of properties adjoining FAMILY
 4 CORNER DISCOUNTS and the US SMOKE SHOP from the unlawful business practices committed
 5 by DEFENDANTS in the operation of FAMILY CORNER DISCOUNTS and the US SMOKE SHOP
 6 within the City and County of San Francisco, State of California.

7 47. The violations of law described herein have been, and are being, carried out wholly or
 8 in part within the City and County of San Francisco. The actions of DEFENDANTS are in violation
 9 of the laws and public policies of the City and County of San Francisco and the State of California,
 10 and are inimical to the rights and interest of the general public.

11 48. DEFENDANTS are now engaging in and, for a considerable period of time and at all
 12 times pertinent to the allegations of this Complaint, have engaged in, unlawful business practices
 13 prohibited by California's Unfair Competition Law by managing and operating, and/or allowing the
 14 management and operation of, FAMILY CORNER DISCOUNTS and the US SMOKE SHOP in
 15 violation of the following laws:

- 16 • Penal Code sections 11225-11235 by allowing illegal gambling to occur at FAMILY
 17 CORNER DISCOUNTS and the US SMOKE SHOP;
- 18 • Penal Code section 330b by possessing and/or operating, or permitting the possession
 19 and/or operation, of slot machines or devices (as defined in Penal Code section
 20 330b(d)) FAMILY CORNER DISCOUNTS and the US SMOKE SHOP;
- 21 • San Francisco Municipal Police Code sections 325-327 by operating and/or keeping
 22 slot machines or their equivalent at FAMILY CORNER DISCOUNTS and the US
 23 SMOKE SHOP.
- 24 • Health and Safety Code Sections 11570 -11587 by permitting the sale, storage,
 25 possession, manufacture, consumption or distribution of controlled substances at
 26 FAMILY CORNER DISCOUNTS and the US SMOKE SHOP;
- 27 • Health and Safety Code section 11364.5 for unlawfully keeping and selling drug
 28 paraphernalia in an area accessible to minors.

- Health and Safety Code section 11364.7 by delivering, furnishing, transferring, and possessing with intent to deliver, furnish or transfer drug paraphernalia, knowing or under circumstances where one reasonably should know that it will be used to ingest, inhale or otherwise introduce into the human body a controlled substance.
- California Penal Code Sections 496 by knowingly purchasing and selling stolen property.

49. As a direct and proximate result of the foregoing acts and practices, DEFENDANTS have received income, profits, and other benefits, which they would not have received if DEFENDANTS had not engaged in the violations of the Unfair Competition Law described in this Complaint.

50. The PEOPLE have no adequate remedy at law in that damages are insufficient to protect the public from the harm caused by the conditions described in this Complaint.

51. Unless injunctive relief is granted to enjoin the unlawful business practices of DEFENDANTS, the PEOPLE will suffer irreparable injury and damage.

52. By engaging in the unlawful business practices described herein, DEFENDANTS are each subject to civil penalties in the amount of \$2,500.00 per violation, pursuant to Business and Professions Code section 17206.

FOURTH CAUSE OF ACTION
PUBLIC NUISANCE BROUGHT BY PLAINTIFF PEOPLE OF THE STATE OF
CALIFORNIA AGAINST ALL DEFENDANTS
(California Civil Code Sections 3479 and 3480, and California Code of Civil Procedure
Section 731)

53. PLAINTIFFS hereby incorporate by reference all of the foregoing paragraphs, as though fully set forth herein.

54. DEFENDANTS and their employees have sold and offered for sale paraphernalia used to ingest or inhale controlled substances at FAMILY CORNER DISCOUNTS and the US SMOKE SHOP. Such conduct adversely affects public health, contributes to illegal drug activity, and contributes to other criminal activity.

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1 55. DEFENDANTS and their employees have sold and offered for sale controlled
2 substances at FAMILY CORNER DISCOUNTS and the US SMOKE SHOP. Such conduct adversely
3 affects public health, contributes to illegal drug activity, and contributes to other criminal activity.

4 56. DEFENDANTS and their employees have purchased, sold and offered for sale property
5 they know to be stolen at FAMILY CORNER DISCOUNTS and the US SMOKE SHOP. Such
6 conduct promotes crimes of theft and contributes to other criminal activity.

7 57. DEFENDANTS and their employees have operated an illegal gambling operation at
8 FAMILY CORNER DISCOUNTS and the US SMOKE SHOP. Such conduct adversely affects public
9 health and contributes to other criminal activity, including violent crimes such as robbery.

10 58. As described above, DEFENDANTS are now, and for a considerable period of time,
11 and at all times pertinent to the allegations in this Complaint have been, maintaining the PROPERTY
12 in such a manner as to constitute a continuing public nuisance within the meaning of Civil Code
13 sections 3479 and 3480. The practices described above are injurious to the health and safety of the
14 residents and the community, are offensive to the senses, and interfere with the comfortable enjoyment
15 of life and property. The practices described above also affect a considerable number of people and an
16 entire community and neighborhood.

17 59. At all times herein mentioned, DEFENDANTS have had notice and knowledge that the
18 PROPERTY constituted a public nuisance because of the multiple calls for service to the PROPERTY
19 by members of the San Francisco Police Department, but DEFENDANTS have taken inadequate steps
20 to abate the public nuisance.

21 60. PLAINTIFFS have no adequate remedy at law in that damages are insufficient to
22 protect the public from the present danger and harm caused by the conditions described herein.

23 61. Unless these nuisance conditions are abated, the occupants and neighbors of the subject
24 PROPERTY and the residents of the City and County of San Francisco will suffer irreparable injury
25 and damage because the nuisance conditions will continue to be injurious to the continuous enjoyment
26 of life and the free use of property of the neighbors and the public.

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FIFTH CAUSE OF ACTION

**FOR VIOLATIONS OF THE SAN FRANCISCO HEALTH CODE BY PLAINTIFF CITY
AND COUNTY OF SAN FRANCISCO AGAINST US SMOKE SHOP AND MOHAMMED
HASSAN
(San Francisco Health Code Sections 581(b)(18), 600(b), 19H.3, 19H.18, 19Q.3(a), and 19R.2)**

62. PLAINTIFFS hereby incorporate by reference all of the foregoing paragraphs, as though fully set forth herein.

63. Plaintiff CITY brings this Count pursuant to Health Code sections 581(b)(18), 600(b), 19H.3, 19H.18, 19Q.3(a), and 19R.2.

64. DEFENDANTS US SMOKE SHOP and MOHAMMED HASSAN as owners, managers and operators of the US SMOKE SHOP engaged in the sale of flavored tobacco products in violation of Sections 19Q.3(a) and 19Q.4(a) of the Health Code; and the sale of e-cigarettes lacking Food and Drug Administration Premarket Order of Approval in violation of Section 19R.2 of the Health Code.

65. Pursuant to Health Code section 19H.18(a), violations of Article 19H of the Health Code, including the violations set forth above, constitute public nuisances.

66. The conditions constituting the violations of the Health Code are more fully described above,

67. Pursuant to Health Code section 600(b)(3), DEFENDANTS are subject to civil penalties of up to \$1000 per day per violation for having violated the above provisions of the Health Code.

PRAYER

WHEREFORE, PLAINTIFFS pray that:

Declaratory Relief

1. FAMILY CORNER DISCOUNTS and the US SMOKE SHOP be declared nuisances in violation of Penal Code sections 11225-11235;

2. FAMILY CORNER DISCOUNTS and the US SMOKE SHOP be declared nuisances in violation of Health & Safety Code section 11570;

3. DEFENDANTS be declared to have engaged in unlawful business acts and practices in violation of Business and Professions Code sections 17200-17210;

Injunctive Relief

4. The nuisance be preliminarily and permanently abated in accordance with Penal Code sections 11225-11235;

5. All movable property used in the maintenance of the nuisance at the FAMILY CORNER DISCOUNTS and the US SMOKE SHOP be removed and sold, pursuant to Penal Code section 11230;

6. FAMILY CORNER DISCOUNTS and the US SMOKE SHOP be closed for one year, pursuant to Penal Code section 11230;

7. FAMILY CORNER DISCOUNTS and the US SMOKE SHOP be closed for one year, pursuant to Health & Safety Code section 11581(b)(1);

8. In the event the Court decides that any vacancy resulting from closure will be harmful to the community, in lieu of closing the FAMILY CORNER DISCOUNTS and the US SMOKE SHOP, each Defendant be ordered to pay damages in an amount equal to the fair market rental value of the commercial space occupied by the FAMILY CORNER DISCOUNTS and the US SMOKE SHOP for one year, pursuant to Penal Code section 11230 and pursuant to Health & Safety Code section 11581(c)(1);

9. In the event that the Court does not order FAMILY CORNER DISCOUNTS and the US SMOKE SHOP closed, all DEFENDANTS, their agents, officers, lessees, managers, representatives, employees, and anyone acting on their behalf, and their heirs and assignees be preliminarily and permanently enjoined from operating, conducting, using, occupying, or in any way permitting the use of FAMILY CORNER DISCOUNTS and the US SMOKE SHOP as a nuisance pursuant to Penal Code sections 11225-11235;

10. DEFENDANTS be enjoined and restrained from occupying or operating, and/or allowing the occupation or operation of, FAMILY CORNER DISCOUNTS and the US SMOKE SHOP while the conditions described in this Complaint exist and until all of the violations at FAMILY CORNER DISCOUNTS and the US SMOKE SHOP have been abated;

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11. DEFENDANTS be ordered to cause the FAMILY CORNER DISCOUNTS and the US SMOKE SHOP to conform to law, and maintain such structures and all parts thereof in accordance with law;

12. Pursuant to California Business and Professions Code sections 17203-17204, DEFENDANTS, their agents, officers, lessees, managers, representatives, employees, and anyone acting on their behalf, and their heirs, successors, and assignees be enjoined from operating, conducting, using, occupying, or in any way permitting the use of FAMILY CORNER DISCOUNTS and the US SMOKE SHOP in the unlawful business practices described in this Complaint;

13. DEFENDANTS, and each of them, inclusive, be enjoined from spending, transferring, encumbering, or removing from California any money received from FAMILY CORNER DISCOUNTS and the US SMOKE SHOP or in payment for the unlawful acts alleged in the Complaint;

Penalties

14. The Court impose civil penalties of up to \$25,000.00 against each Defendant to prevent them from continuing to maintain, and/or to allow the maintenance of, a nuisance at FAMILY CORNER DISCOUNTS and the US SMOKE SHOP, pursuant to Penal Code section 11230;

15. The Court impose civil penalties of up to \$25,000.00 against each Defendant to prevent them from continuing to maintain, and/or to allow the maintenance of, a nuisance at FAMILY CORNER DISCOUNTS and the US SMOKE SHOP, pursuant to Health & Safety Code section 11581(b)(2);

16. DEFENDANTS be ordered to each pay a civil penalty of up to \$2,500.00 for each act of unlawful competition, pursuant to Business and Professions Code section 17206;

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Fees and Costs

17. DEFENDANTS be ordered to pay PLAINTIFFS ' reasonable attorney's fees and costs, including the cost of investigation and discovery, pursuant to Civil Code sections 3496(b) and 3496(c).

18. PLAINTIFFS be awarded their costs incurred herein pursuant to Code of Civil Procedure section 1032; and

19. The Court grant such other and further relief as this Court should find just and proper.

Dated: April 10, 2025

DAVID CHIU
City Attorney
YVONNE R. MERÉ
Chief Deputy City Attorney
WADE CHOW
Chief Attorney
Code Enforcement Team
HUNTER W. SIMS III
Deputy City Attorney

By: _____

HUNTER W. SIMS III

Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

EXHIBIT B

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ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

04/10/2025
Clerk of the Court
BY: SAHAR ENAYATI
Deputy Clerk

Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA **CGC-25-624264**

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

CITY AND COUNTY OF SAN
FRANCISCO, a Municipal Corporation; and
the PEOPLE OF THE STATE OF
CALIFORNIA, by and through David Chiu,
City Attorney for the City and County of San
Francisco,

Plaintiffs,

vs.

URSULA FUNG, an individual, REX TIN
CHAN, an individual, EZ DOLLAR
DISCOUNT STORE, MOHAMED MUFTAH,
an individual, and DOE ONE through DOE
FIFTY,

Defendants.

Case No.

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF AND PENALTIES**

Type of Complaint [42] Other

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1 The CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, and the PEOPLE
2 OF THE STATE OF CALIFORNIA, by and through San Francisco City Attorney DAVID CHIU
3 (collectively “Plaintiffs”), file their Complaint against Defendants URSULA FUNG, an individual,
4 REX TIN CHAN, an individual, EZ DOLLAR DISCOUNT STORE, MOHAMED MUFTAH, an
5 individual, and DOE ONE through DOE FIFTY (collectively “Defendants”). PLAINTIFFS hereby
6 allege as set forth below:

7 INTRODUCTION

8 1. Since DEFENDANTS have been in business, the residents of the Tenderloin
9 neighborhood have suffered due to the DEFENDANTS’ illegal acts and business practices at the
10 property located at 335 Jones Street, San Francisco, California, mid-block between Ellis and Eddy
11 Streets. DEFENDANTS operate a business at 335 Jones Street that contributes to the criminal activity
12 in the Tenderloin. This action seeks to put an end to that activity.

13 2. DEFENDANTS have owned and operated the EZ DOLLAR DISCOUNT STORE
14 since at least January 2024. Due to the illegal gambling and sale of drug paraphernalia occurring at
15 the property, the EZ DOLLAR DISCOUNT STORE has attracted criminal and nuisance activity to the
16 surrounding community, necessitating police intervention and adversely affecting the neighborhood
17 and the health, safety, and well-being of those who live and work in the area, as well as the general
18 public.

19 3. By allowing illegal gambling to occur at the EZ DOLLAR DISCOUNT STORE,
20 DEFENDANTS have maintained the property as a nuisance in violation of California Penal Code
21 sections 11225-11235 (“Red Light Abatement Law”).

22 4. In addition to the illegal gambling at the EZ DOLLAR DISCOUNT STORE,
23 DEFENDANTS have maintained 335 Jones Street in such a way that that it violates the San Francisco
24 Building Code and San Francisco Planning Code and substantially endangers the health, welfare, and
25 safety of its neighbors, the neighborhood, and the City and County of San Francisco.

26 5. By allowing illegal gambling, the sale of drug paraphernalia and violations of the San
27 Francisco Building and Planning Codes to occur at the EZ DOLLAR DISCOUNT STORE,
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1 DEFENDANTS have maintained the property as a public nuisance in violation of California Civil
2 Code sections 3479-3480.

3 6. By operating, and/or allowing the operation of, the EZ DOLLAR DISCOUNT STORE
4 in repeated violation of applicable state and local laws and as a nuisance, DEFENDANTS have also
5 demonstrated a pattern and practice of engaging in unlawful business practices in violation of the
6 Unfair Competition Law (“UCL”), California Business and Professions Code sections 17200-17210.

7 7. California’s Gambling Control Act (“GCA”), Business and Professions Code sections
8 19800 *et seq.* was passed in 1997. While gambling establishments have existed in California for over
9 100 years, the legal gambling industry prior to 1984 was almost entirely unregulated; California law
10 has since outlawed certain forms of gambling and left other forms free of government oversight or
11 regulation.

12 8. With the passage of the GCA, the California Legislature recognized that “[u]nregulated
13 gambling enterprises are inimical to the public health, safety, welfare, and good order. Accordingly,
14 no person in this state has a right to operate a gambling enterprise except as may be expressly
15 permitted by the laws of this state and by the ordinances of local governmental bodies.” Business and
16 Professions Code section 19801(d).

17 9. California has long recognized the adverse impact of gambling on individuals and
18 communities and has consequently restricted legal gambling to the California Lottery, “card rooms,”
19 casinos operated by Native American tribes, and race tracks. State law and many local ordinances
20 make virtually all other forms of gambling expressly illegal and provide local governments both civil
21 and criminal remedies to address the crime and nuisance created by illegal gambling operations. *See*
22 Penal Code Chapter 10, sections 330-337 *et seq.* and 11225-11235; San Francisco Municipal Police
23 Code sections 325-327.

24 10. In order to lawfully operate a business in which drug paraphernalia is offered, sold, or
25 given away, the business must keep and display the drug paraphernalia in a separate room, and the
26 business must exclude minors not accompanied by a parent or legal guardian from entry. *See* Health
27 and Safety Code, Chapter 6, section 11364.5.

PARTIES AND SUBJECT PROPERTY

11. Plaintiff CITY AND COUNTY OF SAN FRANCISCO (the “CITY”) is a municipal corporation organized and existing under and by virtue of the laws of the State of California, and is a city and county. The CITY brings this action under the Red Light Abatement Law, California Civil Code sections 3479, 3480, 3491, 3494, and California Code of Civil Procedure section 731.

12. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA (the “PEOPLE”), by and through David Chiu, City Attorney of the City and County of San Francisco, bring this action pursuant to the Red Light Abatement Law, the Unfair Competition Law, Civil Code Sections 3479, 3480, 3491, 2494, and Code of Civil Procedure Section 731.

13. Defendants URSULA FUNG and REX TIN CHAN are individuals who own the property where the EZ DOLLAR DISCOUNT STORE is located, 335 Jones Street, San Francisco, California, San Francisco Assessor’s Block 0333, Lot 004 (“PROPERTY”). URSULA FUNG and CHAN REX TIN are domiciled in San Francisco, California.

14. Defendant MOHAMED MUFTAH is an individual who owns, manages and/or operates the EZ DOLLAR DISCOUNT STORE, a commercial business located at 335 Jones Street, in the City and County of San Francisco. The EZ DOLLAR DISCOUNT STORE is an illegal gambling business, where patrons pay to play slot machines for the chance to win cash payouts. Actions taken, or omissions made, by MOHAMED MUFTAH’s employees or agents in the course of their employment or agency at the EZ DOLLAR DISCOUNT STORE are considered to be actions or omissions of MOHAMED MUFTAH for the purposes of this Complaint. On information and belief, PLAINTIFFS believe MOHAMED MUFTAH is domiciled in San Francisco, California.

15. Defendants DOE ONE through DOE FIFTY are sued herein under fictitious names. Plaintiffs do not at this time know the true names or capacities of said defendants, but pray that the same may be alleged herein when ascertained.

GENERAL ALLEGATIONS

16. The EZ DOLLAR DISCOUNT STORE is a commercial business located on the ground floor of 335 Jones Street, San Francisco, California, a busy commercial street in the Tenderloin District of San Francisco. MOHAMED MUFTAH owns and/or operates the EZ DOLLAR

1 DISCOUNT STORE, which has been in operation since at least January 2024. MOHAMED
2 MUFTAH leases the commercial space from URSULA FUNG and REX TIN CHAN.

3 **I. SAN FRANCISCO POLICE DEPARTMENT'S INVESTIGATION OF THE EZ**
4 **DOLLAR DISCOUNT STORE**

5 17. The EZ DOLLAR DISCOUNT STORE has the appearance of a convenience store.
6 However, Defendant MOHAMED MUFTAH ran a gambling operation at the business where patrons
7 could wager on various gaming machines.

8 18. On October 2, 2024, a San Francisco Police Department ("SFPD") officer entered the
9 EZ DOLLAR DISCOUNT STORE and saw two coin pusher games in the front of the store. The
10 object of these games is to shoot a coin towards a prize so that the prize falls into a payout slot.
11 However, instead of prizes, the machines was filled with quarters and paper currency.

12 19. The officer then walked to the back of the store and saw six arcade style gambling
13 machines lined up in the back left corner of the store. The officer saw a woman playing one of the
14 games. The woman held a piece of burnt aluminum foil and a plastic straw, which the officer
15 recognized as paraphernalia used to ingest Fentanyl.

16 20. SFPD officers conducted surveillance at the EZ DOLLAR DISCOUNT STORE on
17 January 2, 2025. They saw many people coming in and out of the store, but no one exiting the store
18 appeared to have made any purchases. In addition, several people exited the store empty handed and
19 then re-entered multiple times. This unusual foot traffic was consistent with and supported the
20 officers' opinion that patrons were gambling inside the store.

21 21. SFPD officers conducted an undercover operation on January 15, 2025. Two
22 undercover officers entered the store and saw four gambling machines in the back of the store. The
23 officers had a total of \$100 in marked City funds. One officer used \$40 of the City funds and
24 immediately lost all of his money.

25 22. The other officer played \$20 and won \$1. The officer asked the clerk to cash him out.
26 The clerk reviewed the store camera footage, removed \$21 from the register, and gave it to the officer.
27 The clerk then used a key to open the machine and reset the credits to zero.

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23. On January 27, 2025, SFPD members obtained and executed a search warrant at the EZ DOLLAR DISCOUNT STORE.

24. SFPD officers found significant evidence of criminal activity while executing the search warrant at the EZ DOLLAR DISCOUNT STORE. Officers seized 5 working electronic gambling machines and 3 broken electronic gambling machines. The prizes inside one gambling machine included Visa gift cards, a Bluetooth speaker, a solar charger, and a watch. Officers seized \$2,181 in cash from the machines and the register. The officers also seized a ledger that contained “pay/owe” sheets. Images of two of the electronic gambling machines are shown below.



25. In addition to illegal gambling, DEFENDANTS have permitted the EZ DOLLAR DISCOUNT STORE to be used as a place where stolen merchandise is bought and sold. Officers seized merchandise on display that had retail stickers and other indicia from Walgreens, CVS, Safeway, Big 5, Trader Joe's, Target, and Harbor Freight. The fact that these items were on display for sale indicate that the EZ DOLLAR DISCOUNT STORE was selling stolen merchandise.

26. The officers also seized hundreds of glass pipes used for ingesting illegal narcotics as well as small plastic baggies commonly used to package narcotics for sale from the display cases, which were located in an area accessible to minors. The store also sold digital scales.

II. UNABATED VIOLATIONS OF SAN FRANCISCO'S BUILDING AND PLANNING CODES

A. San Francisco Department of Building Inspection Notice of Violation for Work Without a Permit (Complaint No. 202430228)

27. On October 31, 2024, San Francisco's Department of Building Inspection ("DBI") issued Notice of Violation ("NOV") No. 202430228 for work without a permit based on the removal of the permitted storefront for the EZ DOLLAR DISCOUNT STORE and the installation of a new storefront. In addition, the NOV cited the unauthorized removal of a partition in the right rear of the EZ DOLLAR DISCOUNT STORE. The NOV ordered DEFENDANTS to obtain a building permit within sixty days and to complete all work within ninety days. DBI mailed the NOV to DEFENDANTS on November 1. A true and correct copy of the NOV is attached hereto as **Exhibit A** and incorporated as part of this Complaint.

28. On November 27, 2024, DBI amended NOV No. 202430228 following a reinspection of the EZ DOLLAR DISCOUNT STORE. The reinspection revealed that additional work had been done without a permit, including adding a door and removing a partition dividing the storage rooms. The inspector noted exposed and unprotected electrical wiring. Finally, a new condenser unit had been installed on the roof without a permit. The amended NOV ordered DEFENDANTS to obtain a building permit within sixty days and to complete the work within ninety days. DBI mailed the amended NOV to DEFENDANTS on November 27, 2024. A true and correct copy of the amended NOV is attached hereto as **Exhibit B** and incorporated as part of this Complaint.

29. DBI NOV No. 202430228 remains unabated.

B. San Francisco Planning Department NOV 2024-00949ENF

30. On November 27, 2024, San Francisco's Planning Department ("Planning") issued Notice of Enforcement ("NOE") No. 2024-00949ENF for selling tobacco paraphernalia without a permit and having the security gate at the storefront partially closed during business hours. The NOE ordered DEFENDANTS to provide evidence that the violations had been abated and that corrective

1 action had been taken to bring the EZ DOLLAR DISCOUNT STORE into compliance. A true and
 2 correct copy of the NOE is attached hereto as **Exhibit C** and incorporated as part of this Complaint.

3 31. On January 31, 2025, Planning issued NOV 2024-00949ENF after DEFENDANTS
 4 failed to take action to abate NOE No. 2024-00949ENF. The NOV provided thirty (30) days to file an
 5 appeal or take corrective action to abate the violations outlined in NOV 2024-00949ENF. A true and
 6 correct copy of the NOV is attached hereto as **Exhibit D** and incorporated as part of this Complaint.

7 **FIRST CAUSE OF ACTION**
 8 **FOR VIOLATION OF THE RED LIGHT ABATEMENT ACT BROUGHT BY PLAINTIFFS**
 9 **CITY AND PEOPLE AGAINST ALL DEFENDANTS**
 10 **(Penal Code Sections 11225 -11235)**

11 32. Plaintiffs PEOPLE OF THE STATE OF CALIFORNIA and the CITY AND COUNTY
 12 OF SAN FRANCISCO hereby incorporate by reference paragraphs 1 through 32 above, as though
 13 fully set forth herein.

14 33. From 2024 through the present, DEFENDANTS have operated, and/or permitted the
 15 operation of, an illegal gambling establishment at the EZ DOLLAR DISCOUNT STORE by
 16 possessing and/or operating, or permitting the possession and operation of, “machine[s] or device[s]”
 17 that “may be operated, and by reason of . . . hazard or chance or of other outcome of operation
 18 unpredictable by [the user], the user may receive or become entitled to receive . . . [an] additional
 19 chance or right to use the slot machine or device” or a “token, or memorandum . . . which may be
 20 exchanged for any money, credit, allowance, or thing of value.” Penal Code section 330b(d). By
 21 possessing and/or operating, and/or permitting the possession and/or operation of, these machines or
 22 devices, DEFENDANTS have violated and continue to violate Penal Code section 330b(d) and San
 23 Francisco Municipal Police Code sections 325-327. This illegal gambling operation constitutes a
 24 nuisance as a matter of law under Penal Code section 11225.

25 34. Pursuant to Penal Code section 11230, PLAINTIFFS request that the Court order the
 26 closure of the EZ DOLLAR DISCOUNT STORE for one year and impose civil penalties of
 27 \$25,000.00 against each Defendant to prevent DEFENDANTS from continuing to maintain or permit
 28 a nuisance at the property.

35. Unless said nuisance is abated, the surrounding community and neighborhood, and the residents and citizens of the City and County of San Francisco and the People of California, will suffer irreparable injury and damage, in that said conditions will continue to be dangerous to the life, safety or health of those who live and work near the EZ DOLLAR DISCOUNT STORE and the general public.

36. PLAINTIFFS have no adequate remedy at law in that damages alone are insufficient to protect the public from the present injury and harm caused by the conduct described above.

**SECOND CAUSE OF ACTION
FOR PUBLIC NUISANCE BY PLAINTIFFS CITY AND PEOPLE AGAINST ALL
DEFENDANTS
(San Francisco Planning Code; San Francisco Building Code; California Civil Code
sections 3479, 3480, and 3494; and California Code of Civil Procedure section 731)**

40. Plaintiff CITY hereby incorporates by reference all preceding paragraphs of this Complaint and makes them part of this Second Cause of Action, as though fully set forth herein.

41. As described above, and as set forth in the incorporated Exhibits to this COMPLAINT, DBI issued NOV's to DEFENDANTS for violations of the San Francisco Building Code at the EZ DOLLAR DISCOUNT STORE.

42. As described above, and as set forth in the incorporated Exhibits to this COMPLAINT, Planning issued NOEs and NOV's to DEFENDANTS for violations of the San Francisco Planning Code at the EZ DOLLAR DISCOUNT STORE.

43. Plaintiff CITY brings this Count pursuant to San Francisco Planning Code section 176.

44. Plaintiff City brings this Count pursuant to San Francisco Building Code section 103A.

45. Plaintiff PEOPLE bring this cause of action pursuant to California Code of Civil Procedure section 731 and California Civil Code sections 3479, 3480, and 3494.

46. Pursuant to San Francisco Planning Code section 176, any non-code compliant use, structure, lot, feature, or condition is a public nuisance. DEFENDANTS are now, and for a considerable period of time, and at all times herein mentioned, have been maintaining the PROPERTY as a public nuisance and in violation of San Francisco Planning Code sections 135, 145.1(d)(3)(A), 176, and 249.5. The conditions constituting the continuing public nuisance and violations of the San Francisco Planning Code are more fully described above, and in the Exhibits attached hereto.

1 47. As described above, DEFENDANTS have failed to comply with, ignored, and
2 disobeyed the NOE and NOV properly issued by Planning, and have allowed the PROPERTY to
3 remain in a substandard, unsafe, and illegal condition for a substantial period of time.

4 48. Pursuant to San Francisco Building Code section 103A, any non-code compliant use,
5 structure, lot, feature, or condition is a public nuisance. DEFENDANTS are now, and for a
6 considerable period of time, and at all times herein mentioned, have been maintaining the PROPERTY
7 as a public nuisance and in violation of San Francisco Building Code section 106A.1 and San
8 Francisco Electrical Code section 89.116. The conditions constituting the continuing public nuisance
9 and violations of the San Francisco Building Code are more fully described above, and in the Exhibits
10 attached hereto.

11 49. As described above, DEFENDANTS have failed to comply with, ignored, and
12 disobeyed the NOVs properly issued by DBI, and have allowed the PROPERTY to remain in a
13 substandard, unsafe, and illegal condition for a substantial period of time.

14 45. DEFENDANTS and their employees have sold and offered for sale paraphernalia used
15 to ingest or inhale controlled substances at the EZ DOLLAR DISCOUNT STORE. Such conduct
16 adversely affects public health, contributes to illegal drug activity, and contributes to other criminal
17 activity.

18 46. DEFENDANTS and their employees have purchased, sold and offered for sale property
19 they know to be stolen at the EZ DOLLAR DISCOUNT STORE. Such conduct promotes crimes of
20 theft and contributes to other criminal activity.

21 47. DEFENDANTS and their employees have operated an illegal gambling operation at the
22 EZ DOLLAR DISCOUNT STORE. Such conduct adversely affects public health and contributes to
23 other criminal activity, including violent crimes such as robbery.

24 48. As described above, DEFENDANTS are now, and for a considerable period of time,
25 and at all times pertinent to the allegations in this Complaint have been, maintaining the PROPERTY
26 in such a manner as to constitute a continuing public nuisance within the meaning of Civil Code
27 sections 3479 and 3480. The practices described above are injurious to the health and safety of the
28 residents and the community, are offensive to the senses, and interfere with the comfortable enjoyment

1 of life and property. The practices described above also affect a considerable number of people and an
 2 entire community and neighborhood.

3 49. At all times herein mentioned, DEFENDANTS have had notice and knowledge that the
 4 PROPERTY constituted a public nuisance, but DEFENDANTS have taken inadequate steps to abate
 5 the public nuisance.

6 50. PLAINTIFFS have no adequate remedy at law in that damages are insufficient to
 7 protect the public from the present danger and harm caused by the conditions described herein.

8 50. Unless these nuisance conditions are abated, the occupants and neighbors of the subject
 9 PROPERTY and the residents of the City and County of San Francisco will suffer irreparable injury
 10 and damage because the nuisance conditions will continue to be injurious to the continuous enjoyment
 11 of life and the free use of property of the neighbors and the public.

12 **THIRD CAUSE OF ACTION**
 13 **FOR UNLAWFUL BUSINESS PRACTICES BROUGHT BY PLAINTIFF CITY AND**
 14 **PEOPLE AGAINST ALL DEFENDANTS**
(California Business and Professions Code Sections 17200-17210)

15 51. Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, hereby incorporates by
 16 reference paragraphs 1 through 50 above, as though fully set forth herein.

17 52. The PEOPLE bring this cause of action in the public interest in the name of the
 18 PEOPLE OF THE STATE OF CALIFORNIA, pursuant to Business and Professions Code sections
 19 17200 through 17210, in order to protect the residents and owners of properties adjoining the EZ
 20 DOLLAR DISCOUNT STORE from the unlawful business practices committed by DEFENDANTS
 21 in the operation of the EZ DOLLAR DISCOUNT STORE within the City and County of San
 22 Francisco, State of California.

23 53. The violations of law described herein have been, and are being, carried out wholly or
 24 in part within the City and County of San Francisco. The actions of DEFENDANTS are in violation
 25 of the laws and public policies of the City and County of San Francisco and the State of California,
 26 and are inimical to the rights and interest of the general public.

27 54. DEFENDANTS are now engaging in and, for a considerable period of time and at all
 28 times pertinent to the allegations of this Complaint, have engaged in, unlawful business practices

1 prohibited by California's Unfair Competition Law by managing and operating, and/or allowing the
 2 management and operation of, the EZ DOLLAR DISCOUNT STORE in violation of the following
 3 laws:

- 4 • Penal Code sections 11225-11235 by allowing illegal gambling to occur at the EZ
 5 DOLLAR DISCOUNT STORE;
- 6 • Penal Code section 330b by possessing and/or operating, or permitting the possession
 7 and/or operation, of slot machines or devices (as defined in Penal Code section
 8 330b(d)) at the EZ DOLLAR DISCOUNT STORE;
- 9 • San Francisco Municipal Police Code sections 325-327 by operating and/or keeping
 10 slot machines or their equivalent at the EZ DOLLAR DISCOUNT STORE.
- 11 • Health and Safety Code section 11364.5 for unlawfully keeping and selling drug
 12 paraphernalia in an area accessible to minors.
- 13 • Health and Safety Code section 11364.7 by delivering, furnishing, transferring, and
 14 possessing with intent to deliver, furnish or transfer drug paraphernalia, knowing or
 15 under circumstances where one reasonably should know that it will be used to ingest,
 16 inhale or otherwise introduce into the human body a controlled substance.
- 17 • California Penal Code Sections 496 by knowingly purchasing and selling stolen
 18 property.
- 19 • Commencing work without a permit in violation of San Francisco Building Code
 20 Section 106A.
- 21 • Violating San Francisco Planning Code sections 249.5, illegal sale of tobacco
 22 paraphernalia, and 145.1(d)(3)(A) for closing the storefront security gate during
 23 business hours.
- 24 • Creating and maintaining a public nuisance in violation of California Civil Code
 25 sections 3479, 3480, and 3494, the San Francisco Planning Cod and the San Francisco
 26 Building Code.

27 55. As a direct and proximate result of the foregoing acts and practices, DEFENDANTS
 28 have received income, profits, and other benefits, which they would not have received if

1 DEFENDANTS had not engaged in the violations of the Unfair Competition Law described in this
2 Complaint.

3 56. DEFENDANTS have been able to unfairly compete with other businesses by offering
4 gambling games that cannot be offered legally and are therefore unavailable to their competitors.
5 Moreover, patrons attracted by illegal gambling are likely to purchase items at the EZ DOLLAR
6 DISCOUNT STORE that they might otherwise purchase at a competitor business.

7 57. DEFENDANTS have been able to unfairly compete with other businesses by selling
8 stolen products that on information and belief DEFENDANTS were able to acquire and sell at a lower
9 price than available to their law-abiding competitors.

10 58. The PEOPLE have no adequate remedy at law in that damages are insufficient to
11 protect the public from the harm caused by the conditions described in this Complaint.

12 59. Unless injunctive relief is granted to enjoin the unlawful business practices of
13 DEFENDANTS, the PEOPLE will suffer irreparable injury and damage.

14 60. By engaging in the unlawful business practices described herein, DEFENDANTS are
15 each subject to civil penalties in the amount of \$2,500.00 per violation, pursuant to Business and
16 Professions Code section 17206.

17 PRAYER

18 WHEREFORE, PLAINTIFFS pray that:

19 Declaratory Relief

- 20 1. The EZ DOLLAR DISCOUNT STORE be declared a public nuisance;
- 21 2. DEFENDANTS be declared to have violated the San Francisco Municipal Codes,
22 including the San Francisco Building Code, the San Francisco Planning Code, and California Civil
23 Code sections 3479 and 3480;
- 24 3. DEFENDANTS be declared to have engaged in unlawful business acts and practices in
25 violation of Business and Professions Code sections 17200-17210;

26 Injunctive Relief

- 27 4. The nuisance be preliminarily and permanently abated in accordance with Penal Code
28 sections 11225-11235;

1 5. All movable property used in the maintenance of the nuisance at the EZ DOLLAR
2 DISCOUNT STORE be removed and sold, pursuant to Penal Code section 11230;

3 6. The EZ DOLLAR DISCOUNT STORE be closed for one year, pursuant to Penal Code
4 section 11230;

5 7. In the event that the Court does not order the EZ DOLLAR DISCOUNT STORE
6 closed, all DEFENDANTS, their agents, officers, lessees, managers, representatives, employees, and
7 anyone acting on their behalf, and their heirs and assignees be preliminarily and permanently enjoined
8 from operating, conducting, using, occupying, or in any way permitting the use of the EZ DOLLAR
9 DISCOUNT STORE as a nuisance pursuant to Penal Code sections 11225-11235;

10 8. DEFENDANTS be enjoined and restrained from occupying or operating, and/or
11 allowing the occupation or operation of, the EZ DOLLAR DISCOUNT STORE while the conditions
12 described in this Complaint exist and until all of the violations at the EZ DOLLAR DISCOUNT
13 STORE have been abated;

14 9. DEFENDANTS be ordered to cause the EZ DOLLAR DISCOUNT STORE to conform
15 to law, and maintain such structures and all parts thereof in accordance with law;

16 10. Pursuant to California Business and Professions Code sections 17203-17204,
17 DEFENDANTS, their agents, officers, lessees, managers, representatives, employees, and anyone
18 acting on their behalf, and their heirs, successors, and assignees be enjoined from operating,
19 conducting, using, occupying, or in any way permitting the use of the EZ DOLLAR DISCOUNT
20 STORE in the unlawful business practices described in this Complaint;

21 11. DEFENDANTS, and each of them, inclusive, be enjoined from spending, transferring,
22 encumbering, or removing from California any money received from the EZ DOLLAR DISCOUNT
23 STORE or in payment for the unlawful acts alleged in the Complaint;

24 **Penalties**

25 12. The Court impose civil penalties of up to \$25,000.00 against each Defendant, pursuant
26 to Penal Code section 11230;

27 13. DEFENDANTS be ordered to each pay a civil penalty of up to \$2,500.00 for each act
28 of unlawful competition, pursuant to Business and Professions Code section 17206;

Fees and Costs

14. DEFENDANTS be ordered to pay PLAINTIFFS ' reasonable attorney's fees and costs, including the cost of investigation and discovery, pursuant to Civil Code sections 3496(b) and 3496(c).

15. PLAINTIFFS be awarded their costs incurred herein pursuant to Code of Civil Procedure section 1032; and

16. The Court grant such other and further relief as this Court should find just and proper.

Date: April 10, 2025

DAVID CHIU
City Attorney
YVONNE R. MERÉ
Chief Deputy City Attorney
WADE CHOW
Chief Attorney
Neighborhood and Resident Safety Division
HUNTER SIMS
Deputy City Attorneys

By: _____

HUNTER W. SIMS III
Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

INDEX TO EXHIBITS

<u>Exhibit</u>	<u>Description</u>
A	NOV No. 202430228
B	NOV No. 202430228
C	NOE No. 2024-00949ENF
D	NOE No. 2024-00949ENF

EXHIBIT A



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
49 South Van Ness Av Suite#400
San Francisco, CA 94103

ADDRESS 335 JONES ST

OCCUPANCY/USE M, B

CONST. TYPE 3

☒ If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT: FUNG URULA & CHAN REX TIN

MAILING ADDRESS: 3197 HALYARD WAY **CITY**

PERSON CONTACTED @ SITE

☒ **FIRST NOTICE**

☐ **SECOND NOTICE**

☐ **OTHER:**

COMPLAINT NUMBER

202430228

DATE 10/31/2024

BLOCK 0333 **LOT** 004

STORIES 1 ☐ **BASEMENT**

PHONE#:

ELK GROVE **ZIP** 95758

PHONE#:

VIOLATION DESCRIPTION:

☒ **WORK WITHOUT PERMIT (SFBC 103A);** ☐ **ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106.4.7);**

☐ **EXPIRED PERMIT (SFBC 106A.4.4)** ☐ **CANCELLED PERMIT (SFBC 106.3.7)** **PA#:** ;

☐ **UNSAFE BUILDING (SFBC 102A);** ☐ **SEE ATTACHMENTS**

CODE / SECTION #

**A TENDERLOIN BUSINESS INSPECTION REVEALED: ALUMINUM
STOREFRONT REMOVED, NEW STOREFRONT INSTALLED. PARTITION IN
RIGHT REAR OF RETAIL SPACE REMOVED. NO ACCESS GIVING TO ROOMS IN
REAR OF UNIT.**

103A

MONTHLY MONITORING FEE Section 110A TABLE 1A-k

BC – Building Code **HC – Housing Code** **PC – Plumbing Code** **[EC – Electrical Code]** **MC – Mechanical Code**

CORRECTIVE ACTION:

☒ **STOP ALL WORK SFBC 104.2.4**

☒ **FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS ☒ WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.**

☒ **OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.**

☐ **CORRECTION VIOLATIONS WITHIN DAYS.** ☐ **NO PERMIT REQUIRED.**

☐ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**

☒ **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDING TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.**

**IF UNABLE TO PROVIDE DOCUMENTATION OF LEGALITY OF PRESENT CONDITION, OBTAIN PERMIT
WITH PLANS AND PLANNING APPROVAL TO ADDRESS THE VIOLATION DESCRIPTION ABOVE. ELECTRICAL
PERMIT REQUIRED. OBTAIN ALL REQUIRED INSPECTIONS TO ABATE NOV. PERMITS MUST STATE TO
COMPLY WITH NOV. PROVIDE ACCESS TO THE INSPECTOR BELOW TO ALL AREAS WITHIN 15 DAYS.**

INVESTIGATION FEE OR OTHER FEE WILL APPLY

See reverse side for further explanation

☒ **9x Fee (Work w/o Permit after 9/1/60)**

☐ **2x Fee (Work Exceeding Scope of Permit)**

☐ **OTHER:** ☐ **Re-inspection Fee\$** ☐ **No penalty (Work w/o permit prior to 9/1/60)**

APPROX. DATE OF WORK W/O PERMIT N/A **VALUE OF WORK PERFORMED W/O PERMITS \$12,000**

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR Chris Francis

(Inspector – Print Name)

OFFICE HOURS 8:00 AM TO 9:00 AM AND 3:00 PM TO 4:00 PM

PHONE # (628)652-3612 Chris.Francis@sfgov.org

- ☐ Building Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-3450
- ☐ Housing Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-3700
- ☐ Electrical Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-3450
- ☐ Plumbing Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-3450
- ☐ Code Enforcement Division
49 S. Van Ness Av, Suite# 400 (628) 652-3430

By: (Inspector's Signature)

Chris Francis

CC: ☐ DCP ☐ EID ☐ PID ☐ BID ☐ HIS ☐ CED ☐ CPC ☐ DAD ☐ SFFD ☐ DPH ☐ RPC

Pursuant to SFBC 107A.5 and 106A.4.7 investigation fees are charged for work begun or performed without permits or for Work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor). (628) 652-1150.

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be lien for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102A.2 & 110A.

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(6) of the Revenue and Taxation Code.

WARNING: Section 103A of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107A.5 y 106A.4.7 de el Código de Construcción. de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince dias de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendra el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos esten pagados, se le cobraran al dueño del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Sección 102A.2 y 110A de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa. de \$200 por cada segunda infracción de incanformidad, aumentando hasta un maximo de \$7,500 por cada edificio. Esta Sección tambien permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios ó 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta:por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciacion o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rapidamente y contua.mente acusado despues de seis(c) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesion de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 103A de el Código de edificios de San Francisco impone multas civiles hasta de \$500 por cada dia a cualquier persona que infrinja, desobedezca, omite, descuide, se niege a cumplir, resiste o se opone a la ejecucion de las provisiones de este codigo. Esta sección tambien impone multas per delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada dia que dicha ofensa ocurra.

Sang-ayon sa SFBC 107A.5 at 106A.4.7 ang bayad sa pagsusuri ay sisingilin sa mga gusaling naumpisahan na o ginawa na walang permit o sa mga gawaing labis sa sakop ng permit. Ang gayong singil ay maaring iapela sa Board of Permit Appeals sa loob ng 15 na araw mula sa pag-isyu ng permit sa 49 South Van Ness Ave., suite 1475 (14th palapag). (628)652-1150.

BABALA: Ang kabiguan na gumawa ng aksiyon tulad ng kinakailangan upang iwasto ang mga nasabing paglabag ay magreresulta sa paglilitis ng abatement ng Kagawaran ng Inspeksyon ng Gusali. Kung meron Order of Abatement ang naitala laban sa isang ari-arian, ang may-ari ay sisingilin o di kaya ang ari-arian ay gagamitin na lien sa lahat ng mga gastos na natamo sa proseso ng pagpapatupad mula sa unang "Paunawa sa Paglabag" hanggang sa lahat ng gastos ay mabayaran, SFBC 102A.2 & 110A.

BABALA: Ang Seksyon 204 ng Housing Code ng San Francisco ay nagtatakda ng agad-agad na multa na \$100 sa bawat halimbawa ng unang hindi pagsunod, at susundan ng multa na \$200 sa bawat paglabag sa pangalawang hindi pagsunod, hanggang sa sukdulan na \$7,500 sa bawat gusali. Ang seksyon na ito ay itinatakda na magsasampa rin ng kasong kriminal bilang isang misdemeanor sa bawat paglabag at magreresulta sa multa na hindi bababa ng \$1,000 sa bawat araw o di kaya sa anim na buwan na pagkabilanggo o parehong ipataw.

BABALA: Sinumang kumikita sa pag-upa ng pabahay na tinukoy ng Kagawaran ng Inspeksyon ng Gusali na substandard, ay hindi maaring ibawas ang ganoong kita sa buwis sa estado ng kitang personal, at gayundin sa buwis na kita sa interes sa bangko at korporasyon, at sa depresasyon o mga buwis na maiiugnay sa gusaling substandard. Kung ang Gawain sa pagwawasto ay hindi nakumpleto o hindi masigasig, mabilis at tuloy-tuloy ang paggawa matapos ang anim (6) na buwan mula sa petsa nitong paunawa, ay magpapadala ng abiso sa Franchise Tax Board na itinakda sa Seksyon 17264(6) ng Revenue and Taxation code.

BABALA: Ang Seksyon 103A ng Building Code ng San Francisco ay nagtatakda ng mga multang sibil hanggang sa \$500 sa bawat araw sa sinumang lumabag, sumuway, magtanggag, magpabaya o tumangging sumunod o di kaya sumalungat sa pagpapatupad ng mga probisyon nitong code. Nagpapataw din itong seksyon ng multang misdemeanor kapag nahatulan, ng hanggang sa \$500 at o di kaya anim na buwan na pagkabilanggo sa bawat magkahiwalay na pagkasala para sa bawat araw na nangyari ang ganoong pagkasala.

根據《三藩市建築法規》（簡稱 SFBC）第 107.5 項和第 106.4.7 項條款的規定，對沒有許可證便已開始的工程或正在進行的工程、或者超越許可範圍的工程，將收取調查費。當事人可以在許可證發出日起 15 天之內，調查費可以向許可上訴委員會提出上訴。該委員會地址在 South Van Ness 街 49 號 4 樓，電話：(628) 652-3430。

警告：如不按照要求立即採取行動、以糾正上述違章行為，將導致建築檢查局付諸強制糾

警告：任何人通過出租房屋獲得收入，而該房屋已被建築審查局定為低於規定標準者，不能從加州個人所得稅、銀行和公司所得稅利息、以及與該低於規定標準的建築有關的折舊或稅款中扣除稅費。如果在此通告公布六個月後，改正工程沒有完成，或者沒有積極、迅速有效地繼續進行，我們將根據《國家稅收法規》（即 Revenue & Taxation Code）第 1264 (c) 項條款，通知加州稅務委員會（The Franchise Tax Board）。

EXHIBIT B



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco, CA

Notice: 1 COMPLAINT NUMBER: 202430228
DATE: 11/27/2024

ADDRESS : 335 JONES ST BLOCK : 0333 LOT : 004

OCCUPANCY/USE : M | MERCANTILE

☐ If checked, this information is based upons site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

ON SITE CONTACT : FUNG URSULA & CHAN REX TIN

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	103A
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106A.4.7
<input type="checkbox"/> EXPIRED PERMIT	106A.4.4
<input type="checkbox"/> CANCELLED PERMIT PA#:	106A.3.7
<input type="checkbox"/> UNSAFE BUILDING	102A
<input type="checkbox"/> SEE ATTACHMENTS	

CODE VIOLATION DESC : AMENDMENT TO NOV 202430228 DATED 10/31/2024 A TENDERLOIN BUSINESS INSPECTION REVEALED: ALUMINUM STOREFRONT REMOVED, NEW STOREFRONT INSTALLED. PARTITION IN RIGHT REAR OF RETAIL SPACE REMOVED. 2ND SITE INSPECTION OF REAR STORAGE ROOMS ON 11/20/24 REVEALED PARTITION DIVIDING STORAGE ROOMS REMOVED AND DOOR ADDED BETWEEN STORAGE ROOM AND STAIR AREA. WALL DAMAGED AT MEZZANINE EXPOSING UNPROTECTED WIRING. NEW CONDENSOR UNIT INSTALLED ON ROOF. Code/Section: SFBC 103A Monthly monitoring fee applies. Code/Section: SFBC 110A, Table 1A-K

CORRECTIVE ACTION:

- ☒ STOP ALL WORK SFBC 104.2.4
- ☒ FILE BUILDING PERMIT WITHIN 30 DAYS
- ☒ (WITH PLANS) A copy of this notice must accompany the permit application
- ☒ OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.
- ☐ CORRECT VIOLATIONS WITHIN DAYS.
- ☐ NO PERMIT REQUIRED
- ☐ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

FAILURE COMMENT DESCRIPTION : IF UNABLE TO PROVIDE DOCUMENTATION OF LEGALITY OF PRESENT CONDITIION, OBTAIN PERMIT WITH PLANS AND PLANNING APPROVAL TO ADDRESS THE VIOLATION DESCRIPTION ABOVE. ELECTRICAL AND PLUMBING PERMIT REQUIRED. OBTAIN ALL REQUIRED INSPECTIONS TO ABATE NOV. PERMITS MUST STATE TO COMPLY WITH NOV.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- ☒ 9x Permit Fee (Work w/o Permit after 9/1/60)
- ☐ 2x Permit Fee (Work Exceeding Scope of Permit)
- ☐ Other
- ☐ Reinspection Fee \$
- ☐ NO penalty (Work w/o permit prior to 9/1/60)
- ☐ approx. date of work w/o permit
- ☐ value of work performed without permits \$ 15000

CONTACT INSPECTOR : Chris Francis BID / 628-652-3612

EXHIBIT C



49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

NOTICE OF ENFORCEMENT

RESPOND WITHIN 30 DAYS OF THIS NOTICE

Date:	November 27, 2024
Property Owner/s:	Fung Ursula & Chan Rex Tin 3197 Halyard Way Elk Grove, CA 95758
Business Owner:	EZ Dollar 335 Jones Street San Francisco, CA 94102
Record No.:	2024-009497ENF
Site Address:	335 Jones Street
Block/Lot:	0333/004
Zoning District:	RC-4, RESIDENTIAL- COMMERCIAL, HIGH DENSITY
Height and Bulk District:	80-T
Special Use District	Within 1/4 Mile of an Existing Fringe Financial Service North of Market Residential 1 Fringe Financial Services RUD Group Housing Special Use District Priority Equity Geographies SUD
Planning Code Violations:	Section 145.1(d)(3)(A): Security Gate Deployed During Business Hours Section 249.5(f): Tobacco Paraphernalia Establishment use Not Permitted
Enforcement Fee:	\$1,725.00 Minimum Fee for Confirmed Violations
Time and Materials:	If the Cost of Reviewing a Confirmed Violation Exceeds the Minimum Fee Above, Additional Billing for Staff Time and Materials will be Charged.
Administrative Penalty:	Up to \$1,000 per Day for Each Violation
Enforcement Planner:	Jia Hong Situ, 628-652-7384, JiaHong.Situ@sfgov.org

The Planning Department has received a complaint and has verified that a Planning Code violation exists on the above referenced property that must be resolved. As the property owner or the business owner, you are a Responsible Party. The purpose of this notice is to inform you about the Planning Code enforcement process so you can take appropriate action to bring this property into compliance with the Planning Code.

NOTICE OF ENFORCEMENT
November 27, 2024

Record No. 2024-009497ENF
335 Jones Street

PROPERTY INFORMATION

Our records indicate that the subject property is currently authorized as Restaurant and General Grocery uses. The property is identified as a Category A – Historic Resource located within the Listed Uptown Tenderloin Historic District National and California Registers of Historic Districts, and subject to Planning Department preservation review.

DESCRIPTION OF VIOLATION

The Planning Department finds that the subject property has the following Planning Code violations:

- (1) Section 145.1(d)(3)(A)- Storefront security gate was deployed during business hours.
- (2) Section 249.5(f)- Any amount of tobacco paraphernalia is a Tobacco Paraphernalia Establishment use which is Not Permitted in the North of Market residential Special Use District.

Pursuant to Planning Code Section 145.1(d)(3)(A), existing security gates for a use established prior to September 06, 2022, may only be deployed when a business is not open to the public and does not exempt the use from any required building permit. As such, the security gates cannot be closed during business hours.

Pursuant to Planning Code Section 102,

Tobacco Paraphernalia Establishment use is defined as “A Retail Sales and Service Use where more than 10% of the square footage of Occupied Floor Area, as defined in Section 102, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing, or marketing of Tobacco Paraphernalia from one person to another. For purposes of Sections 249.5, 719, 723, and 744 of this Code, however, Tobacco Paraphernalia Establishments shall mean retail uses where any Tobacco Paraphernalia is sold, distributed, delivered, furnished, or marketed from one person to another. **“Tobacco Paraphernalia” means** paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054, et seq. “Tobacco Paraphernalia” does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law.”

Pursuant to Planning Code Section 249.5, in the North of Market Residential Special Use District, a special definition of “Tobacco Paraphernalia Establishments” applicable to the North of Market Residential Special Use District is set forth in Section 102. **Tobacco Paraphernalia Establishments are not permitted in the North of Market Residential Special Use District.** In the North of Market Residential Special Use District, a legal non-conforming Tobacco Paraphernalia Establishment shall be deemed abandoned after 180 days of non-use.

Failure to comply with any Planning Code provision constitutes a violation of the Planning Code and is subject to an enforcement process, pursuant to Planning Code Section 176.

NOTICE OF ENFORCEMENT
November 27, 2024

Record No. 2024-009497ENF
335 Jones Street

PROPERTY HISTORY

	Date	Document	Description	Result	Notes
1	06/29/2012	BPA No. 201206293816	Change of use to general grocery, storefront alterations with outdoor seating on site.	Completed 11/21/2012	Issued 07/26/2012
2	02/28/2019	2019-002508MIS	Retail Sales and Services use dba. EZ Dollar in RC-4 District. No alcohol sales.	Approved 03/14/2019	

TIMELINE OF INVESTIGATION

On October 18, 2024, Planning Complaint No. 2024-009497ENF was accepted.

On October 29, 2024, during a City Attorney Task Force Inspection, Planning Department staff (Jia Hong Situ) conducted a site visit of the space dba. "EZ Discount" at the subject property and found the following:

1. Sale of Tobacco Paraphernalia products beyond the thresholds defined in Planning Code Section 102 and the establishment of a Tobacco Paraphernalia Establishment use, which is not permitted in the North of Market Residential Special Use District.
2. An accordion-style metal security gate at the storefront entrance deployed during business hours. The gate was partially opened and only allowed enough room to enter the entry door.

Three rooms in the rear were locked and access was not given.

On November 20, 2024, during a second City Task Force Inspection, Planning Department staff (Jia Hong Situ) conducted an inspection of the three rooms in the rear. Staff observed:

1. Sale of Tobacco Paraphernalia products and the establishment of a Tobacco Paraphernalia Establishment use, which is not permitted in the North of Market Residential Special Use District.
2. An accordion-style metal security gate at the storefront entrance deployed during business hours. The gate was partially opened and only allowed enough room to enter the entry door.

To date, the Planning Department has not received evidence to demonstrate that the above violation has been abated or a corrective action has been taken to bring the subject property into compliance with the Planning Code.

COMPLIANCE ACTIONS

How to Correct the Violation

The Planning Department requires that you immediately proceed to abate the violations by taking the following steps:

1. **Comply with Planning Code Section 249.5** by removing all Tobacco Paraphernalia products and signage. A definition of Tobacco Paraphernalia products is provided above.
2. **Comply with Planning Code Section 145.1(d)(3)(A)** by not deploying the storefront security gate

NOTICE OF ENFORCEMENT
November 27, 2024

Record No. 2024-009497ENF
335 Jones Street

during business hours. Not deploying the gate means that the gate is fully open.

3. **Provide photographic evidence** of the gate not deployed during business hours and the removal of all Tobacco Paraphernalia products from the store. A site visit may also be required to verify code compliance.

Please visit our website <https://sfplanning.org/> for plan submittal guidelines <https://sfplanning.org/resource/plan-submittal-guidelines>, and the code enforcement process <https://sfplanning.org/code-enforcement>.

TIMELINE TO RESPOND

The timeline to respond to this Notice of Enforcement is **thirty (30) days** from the date of this notice. The corrective actions shall be taken as early as possible. Failure to respond to this notice by correcting the violation or demonstrating compliance with the Planning Code will result in the issuance of a Notice of Violation by the Zoning Administrator.

Please contact the Enforcement Planner with any questions, to submit evidence of correction, and discuss the corrective steps to abate the violation. Should you need additional time to respond to and/or abate the violation, please discuss this with the Enforcement Planner, who will assist you in developing a reasonable timeline.

NOTICE OF VIOLATION, ADMINISTRATIVE PENALTIES AND APPEAL RIGHTS

Please Note: This Notice of Enforcement is NOT a Notice of Violation.

Once a Notice of Violation is issued and finalized, administrative penalties of up to \$1,000 per day along with any applicable additional penalties referenced above for each violation, may be assessed to the Responsible Party for each day beyond the timeline to respond provided in the Notice of Violation, if the violation is not abated.

If the Responsible Party believes that a Notice of Violation to correct a violation of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available:

- 1) **Zoning Administrator Hearing.** The Responsible Party may request a Zoning Administrator Hearing under Planning Code Section 176 within thirty (30) days from the date of the Notice of Violation by submitting to the Enforcement Planner the Request for Zoning Administrator Hearing Form [Request for Zoning Administrator \(ZA\) Hearing | SF Planning](#) with supporting evidence to the Planning Department. The request will need to show cause as to why this Notice of Violation has been issued in error and should be rescinded. Provide the emails for all parties interested in attending this hearing. The Zoning Administrator shall render a decision on the Notice of Violation within thirty (30) days of such hearing. If the Responsible Party disagrees with the Zoning Administrator's decision, they may then appeal the Zoning Administrator's written decision to the Board of Appeals within thirty (30) days from the date of the decision.

NOTICE OF ENFORCEMENT
November 27, 2024

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335 Jones Street

- 2) **Board of Appeals.** The Responsible Party or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation within thirty (30) days from the date of the Notice of Violation to the Board of Appeals located at:

49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: (628) 652-1150
Website: [Board of Appeals | San Francisco \(sf.gov\)](https://www.sfdph.org/dph/epi/boards/BoardofAppeals/Pages/default.aspx)

If Board of Appeals upholds the Notice of Violation the Board may not reduce the amount of penalty below \$200 per day for each day the violation continues unabated.

Penalties are not assessed during the period when the matter is pending either before the Zoning Administrator or before the Board of Appeals. However, if the Responsible Party requests continuance of the appeal without a reasonable cause with the Board of Appeals, the penalties may still be assessed during the continuation period.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for “Time and Materials” to recover the cost of correcting the Planning Code violations. **Accordingly, the “Time and Materials” cost associated with the Code Enforcement investigation to date is currently \$1,725.00. The Responsible Party is responsible to pay this fee for any confirmed violations.** Additional fees continue to accrue until the violation is abated. The fee is separate from the administrative penalties described above and is not appealable.

Failure to Pay Penalties and Fees

If the Responsible Party fails to pay the “Administrative Penalties” and “Time and Materials” fee to the Planning Department within thirty (30) days of the issuance of Notice of Penalty and Fee, the Zoning Administrator may take action to collect the “Penalties” and any unpaid “Time and Materials” fee owed to the Department, including:

- 1) Referral of the matter to the Bureau of Delinquent Revenue (BDR) under Chapter 10, Article V, Section 10.39 of the San Francisco Administrative Code. The BDR may apply a 25% surcharge for their collection services. Please note that such surcharge will be considered part of the cost of correcting the violation, and the Responsible Party will be responsible for such charges.
- 2) Initiation of lien proceedings under Chapter 10, Article XX, Section 10.230 et seq. of the San Francisco Administrative Code; and
- 3) Requesting the San Francisco Office of City Attorney to pursue collection of the “Administrative Penalties” and “Time and Materials” imposed against the Responsible Party in a civil action.

Other Applications Under Consideration

NOTICE OF ENFORCEMENT
November 27, 2024

Record No. 2024-009497ENF
335 Jones Street

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any separate applications for work proposed on the same property. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until a corrective action is taken to abate the violation.

We want to assist you to bring the subject property into full compliance with the Planning Code. If you have any questions on the enforcement and appeal processes, or if you need additional time to correct the violations, please contact the Enforcement Planner noted above and we will assist you in developing a reasonable timeline.

CC:

Hunter W. Sims, Deputy City Attorney, City Attorney's Office, hunter.sims@sfcityatty.org

Kimia Haddadan, Tenderloin Community Equity Manager, Planning Department,

kimia.haddadan@sfgov.org

Carl Malchow, Acting Chief Building Inspector, Department of Building Inspection,

carl.malchow@sfgov.org

Chris Francis, Building Inspector, Department of Building Inspection, chris.francis@sfgov.org

Jimmy Guaiumi, Acting Senior Building Inspector, Department of Building Inspection,

jimmy.guaiumi@sfgov.org

Gilbert Lam, Senior Building Inspector, Department of Building Inspection, gilbert.lam@sfgov.org

EXHIBIT D



49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

NOTICE OF VIOLATION

RESPOND WITHIN 30 DAYS OF THIS NOTICE

Date:	January 31, 2025
Property Owners:	Fung Ursula & Chan Rex Tin 3197 Halyard Way Elk Grove, CA 95758
Business Owner:	EZ Dollar 335 Jones Street San Francisco, CA 94102
Record No.:	2024-009497ENF
Site Address:	335 Jones Street
Block/Lot:	0333/004
Zoning District:	RC-4, RESIDENTIAL- COMMERCIAL, HIGH DENSITY
Height and Bulk District:	80-T
Special Use Districts:	Within 1/4 Mile of an Existing Fringe Financial Service North of Market Residential 1 Fringe Financial Services RUD Group Housing Special Use District Priority Equity Geographies SUD
Planning Code Violations:	Section 145.1(d)(3)(A)- Security Gate Deployed During Business Hours Section 249.5(f)- Tobacco Paraphernalia Establishment use Not Permitted
Enforcement Fee:	\$1,725.00 Minimum Fee for Confirmed Violations
Time and Materials:	If the Cost of Reviewing a Confirmed Violation Exceeds the Minimum Fee Above, Additional Billing for Staff Time and Materials will be Charged.
Administrative Penalty:	Up to \$1,000 per Day for Each Violation
Enforcement Planner:	Jia Hong Situ, 628-652-7384, JiaHong.Situ@sfgov.org

The Planning Department has verified that a Planning Code violation exists on the above referenced property that must be resolved. As the property owner or the business owner, you are a Responsible Party. The purpose of this notice is to inform you about the Planning Code enforcement process so you can take appropriate

NOTICE OF VIOLATION
January 31, 2025

Record No. 2024-009497ENF
335 Jones Street

action to bring this property into compliance with the Planning Code.

PROPERTY INFORMATION

Our records indicate that the subject property is currently authorized as Restaurant and General Grocery uses. The property is identified as a Category A – Historic Resource located within the Listed Uptown Tenderloin Historic District National and California Registers of Historic Districts, and subject to Planning Department preservation review.

DESCRIPTION OF VIOLATION

The Planning Department finds that the subject property has the following Planning Code violations:

- (1) Section 145.1(d)(3)(A)- Storefront security gate was deployed during business hours.
- (2) Section 249.5(f)- Any amount of tobacco paraphernalia is a Tobacco Paraphernalia Establishment use which is Not Permitted in the North of Market residential Special Use District.

Pursuant to Planning Code Section 145.1(d)(3)(A), existing security gates for a use established prior to September 06, 2022, may only be deployed when a business is not open to the public and does not exempt the use from any required building permit. As such, the security gates cannot be closed during business hours.

Pursuant to Planning Code Section 102,

Tobacco Paraphernalia Establishment use is defined as “A Retail Sales and Service Use where more than 10% of the square footage of Occupied Floor Area, as defined in Section 102, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing, or marketing of Tobacco Paraphernalia from one person to another. For purposes of Sections 249.5, 719, 723, and 744 of this Code, however, Tobacco Paraphernalia Establishments shall mean retail uses where any Tobacco Paraphernalia is sold, distributed, delivered, furnished, or marketed from one person to another. **“Tobacco Paraphernalia” means** paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054, et seq. “Tobacco Paraphernalia” does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law.”

Pursuant to Planning Code Section 249.5, in the North of Market Residential Special Use District, a special definition of “Tobacco Paraphernalia Establishments” applicable to the North of Market Residential Special Use District is set forth in Section 102. **Tobacco Paraphernalia Establishments are not permitted in the North of Market Residential Special Use District.** In the North of Market Residential Special Use District, a legal non-conforming Tobacco Paraphernalia Establishment shall be deemed abandoned after 180 days of non-use.

NOTICE OF VIOLATION
January 31, 2025

Record No. 2024-009497ENF
335 Jones Street

Failure to comply with any Planning Code provision constitutes a violation of the Planning Code and is subject to an enforcement process, pursuant to Planning Code Section 176.

PROPERTY HISTORY

	Date	Document	Description	Result	Notes
1	06/29/2012	BPA No. 201206293816	Change of use to general grocery, storefront alterations with outdoor seating on site.	Completed 11/21/2012	Issued 07/26/2012
2	02/28/2019	2019-002508MIS	Retail Sales and Services use dba. EZ Dollar in RC-4 District. No alcohol sales.	Approved 03/14/2019	

TIMELINE OF INVESTIGATION

On October 18, 2024, Planning Complaint No. 2024-009497ENF was accepted.

On October 29, 2024, during a City Attorney Task Force Inspection, Planning Department staff (Jia Hong Situ) conducted a site visit of the ground floor retail space, occupied by a business tenant (DBA “EZ Dollar”) at the subject property and found the following:

1. Sale of Tobacco Paraphernalia products beyond the thresholds defined in Planning Code Section 102 and the establishment of a Tobacco Paraphernalia Establishment use, which is not permitted in the North of Market Residential Special Use District.
2. An accordion-style metal security gate at the storefront entrance deployed during business hours. The gate was partially opened and only allowed enough room to enter the entry door.

Three rooms in the rear were locked and access was not given.

On November 20, 2024, during a second City Task Force Inspection, Planning Department staff (Jia Hong Situ) conducted a site visit of the space dba. “EZ Dollar” at the subject property, including the three rooms in the rear and the roof. Staff observed the same issues as the first inspection and no additional code violation.

On November 27, 2024, the Planning Department sent you a Notice of Enforcement informing you about the violation and the abatement process. In that notice, you were advised to take corrective action and provide evidence of compliance to the Planning Department.

To date, the Planning Department has not received evidence to demonstrate that the above violation has been abated or a corrective action has been taken to bring the subject property into compliance with the Planning Code.

COMPLIANCE ACTIONS

How to Correct the Violation

The Planning Department requires that you immediately proceed to abate the violations by taking the

NOTICE OF VIOLATION
January 31, 2025

Record No. 2024-009497ENF
335 Jones Street

following steps:

1. **Comply with Planning Code Section 249.5** by removing all Tobacco Paraphernalia products and signage. A definition of Tobacco Paraphernalia products is provided above.
2. **Comply with Planning Code Section 145.1(d)(3)(A)** by not deploying the storefront security gate during business hours. Not deploying the gate means that the gate is fully open.
3. **Provide photographic evidence** of the gate not deployed during business hours and the removal of all Tobacco Paraphernalia products from the store. A site visit may also be required to verify code compliance.

Please visit our website <https://sfplanning.org/> for plan submittal guidelines <https://sfplanning.org/resource/plan-submittal-guidelines>, and the code enforcement process <https://sfplanning.org/code-enforcement>.

APPEAL RIGHTS

If the Responsible Party believes that this Notice of Violation to correct a violation of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available:

- 1) **Zoning Administrator Hearing.** The Responsible Party may request a Zoning Administrator Hearing under Planning Code Section 176 within **thirty (30) days** from the date of this Notice of Violation by submitting to the Enforcement Planner the Request for Zoning Administrator Hearing Form [Request for Zoning Administrator \(ZA\) Hearing | SF Planning](#) with supporting evidence to the Planning Department. The request will need to show cause as to why this Notice of Violation has been issued in error and should be rescinded. Provide the emails for all parties interested in attending this hearing. The Zoning Administrator shall render a decision on the Notice of Violation within thirty (30) days of such hearing. If the Responsible Party disagrees with the Zoning Administrator's decision, they may then appeal the Zoning Administrator's written decision to the Board of Appeals within **thirty (30) days** from the date of the decision.
- 2) **Board of Appeals.** The Responsible Party or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation within **thirty (30) days** from the date of the Notice of Violation to the Board of Appeals located at:

49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: (628) 652-1150
Email: boardofappeals@sfgov.org
Website: www.sfgov.org/bdappeal

If Board of Appeals upholds the Notice of Violation the Board may not reduce the amount of penalty below \$200 per day for each day the violation continues unabated.

NOTICE OF VIOLATION
January 31, 2025

Record No. 2024-009497ENF
335 Jones Street

Penalties are not assessed during the period when the matter is pending either before the Zoning Administrator or before the Board of Appeals. However, if the Responsible Party requests continuance of the appeal without a reasonable cause with the Board of Appeals, the penalties may still be assessed during the continuation period.

TIMELINE TO RESPOND AND ADMINISTRATIVE PENALTIES

If the Responsible Party does not request an appeal process and does not take corrective action to abate the violation within thirty (30) days, this Notice of Violation will become final. Beginning on the following day, administrative penalties of up to \$1,000 per day for each violation will be assessed to the Responsible Party and will continue to accrue for each day the violation continues without corrective action.

If penalties are assessed and begin to accrue, the Planning Department will issue a Notice of Penalty and Fee. The accrued penalty amount shall be paid within thirty (30) days from the issuance date of that Notice. Please be advised that payment of accrued penalties does not excuse failure to correct the violation or bar further enforcement action. Additional penalties will continue to accrue until corrective action is taken to abate the violation.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for “Time and Materials” to recover the cost of correcting the Planning Code violations. **Accordingly, the Responsible Party is currently subject to a fee of \$1,725.00 for “Time and Materials” cost associated with the Code Enforcement investigation to date for the confirmed violations.** Additional fees continue to accrue until the violation is abated. The fee is separate from the administrative penalties described above and is not appealable. For information on how to pay, contact the enforcement planner listed above.

FAILURE TO PAY PENALTIES AND FEES

If the Responsible Party fails to pay the “Administrative Penalties” and “Time and Materials” fee to the Planning Department within thirty (30) days of the issuance of Notice of Penalty and Fee, the Zoning Administrator may take action to collect the “Penalties” and any unpaid “Time and Materials” fee owed to the Department, including:

- 1) Referral of the matter to the Bureau of Delinquent Revenue (BDR) under Chapter 10, Article V, Section 10.39 of the San Francisco Administrative Code. The BDR may apply a 25% surcharge for their collection services. Please note that such surcharge will be considered part of the cost of correcting the violation, and the Responsible Party will be responsible for such charges.
- 2) Initiation of lien proceedings under Chapter 10, Article XX, Section 10.230 et seq. of the San Francisco Administrative Code; and
- 3) Requesting the San Francisco Office of City Attorney to pursue collection of the “Administrative

NOTICE OF VIOLATION
January 31, 2025

Record No. 2024-009497ENF
335 Jones Street

Penalties” and “Time and Materials” imposed against the Responsible Party in a civil action.

OTHER APPLICATIONS UNDER CONSIDERATION

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any separate applications for work proposed on the same property. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until a corrective action is taken to abate the violation.

We want to assist you to bring the subject property into full compliance with the Planning Code. If you have any questions on the enforcement and appeal processes, or if you need additional time to correct the violations, please contact the Enforcement Planner noted above and we will assist you in developing a reasonable timeline.

RECORDATION OF ORDER OF ABATEMENT

Ninety (90) days following the finalization of this Notice of Violation as described under the Administrative Penalties of this Notice, an Order of Abatement may be recorded against the property's records in the Office of the Recorder of the City and County of San Francisco.

The obligation to correct the violations as set forth in the Notice of Violation, Notice of Violation and Penalty Decision, or Notice of Penalty and Fee shall be Planning Code conditions pursuant to Planning Code Section 174 and shall run with title to the property. Further, such recordation shall provide notice to each Responsible Party and any subsequent “successor” or “assign of title” to the property that the failure to perform such obligations is a violation of the Planning Code and may be enforced pursuant to Planning Code Section 176.

Any fees associated with recordation and/or revocation of an Order of Abatement will be assessed to the Responsible Party and added to the “Time and Materials” fee discussed above. All daily penalties assessed and/or Time and Materials incurred is required to be paid prior to the revocation of the Order of Abatement.

Sincerely,



Kelly Wong
Acting Zoning Administrator

Enc.:

Notice of Enforcement dated November 27, 2024.

CC: Hunter W. Sims, Deputy City Attorney, City Attorney’s Office, hunter.sims@sfcityattty.org
Kimia Haddadan, Tenderloin Community Equity Manager, Planning Department,
kimia.haddadan@sfgov.org

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Chris Francis, Building Inspector, Department of Building Inspection, chris.francis@sfgov.org

Jimmy Guaiumi, Acting Senior Building Inspector, Department of Building Inspection,
jimmy.guaiumi@sfgov.org

Gilbert Lam, Senior Building Inspector, Department of Building Inspection, gilbert.lam@sfgov.org



49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

NOTICE OF ENFORCEMENT

RESPOND WITHIN 30 DAYS OF THIS NOTICE

Date:	November 27, 2024
Property Owner/s:	Fung Ursula & Chan Rex Tin 3197 Halyard Way Elk Grove, CA 95758
Business Owner:	EZ Dollar 335 Jones Street San Francisco, CA 94102
Record No.:	2024-009497ENF
Site Address:	335 Jones Street
Block/Lot:	0333/004
Zoning District:	RC-4, RESIDENTIAL- COMMERCIAL, HIGH DENSITY
Height and Bulk District:	80-T
Special Use District	Within 1/4 Mile of an Existing Fringe Financial Service North of Market Residential 1 Fringe Financial Services RUD Group Housing Special Use District Priority Equity Geographies SUD
Planning Code Violations:	Section 145.1(d)(3)(A): Security Gate Deployed During Business Hours Section 249.5(f): Tobacco Paraphernalia Establishment use Not Permitted
Enforcement Fee:	\$1,725.00 Minimum Fee for Confirmed Violations
Time and Materials:	If the Cost of Reviewing a Confirmed Violation Exceeds the Minimum Fee Above, Additional Billing for Staff Time and Materials will be Charged.
Administrative Penalty:	Up to \$1,000 per Day for Each Violation
Enforcement Planner:	Jia Hong Situ, 628-652-7384, JiaHong.Situ@sfgov.org

The Planning Department has received a complaint and has verified that a Planning Code violation exists on the above referenced property that must be resolved. As the property owner or the business owner, you are a Responsible Party. The purpose of this notice is to inform you about the Planning Code enforcement process so you can take appropriate action to bring this property into compliance with the Planning Code.

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335 Jones Street

PROPERTY INFORMATION

Our records indicate that the subject property is currently authorized as Restaurant and General Grocery uses. The property is identified as a Category A – Historic Resource located within the Listed Uptown Tenderloin Historic District National and California Registers of Historic Districts, and subject to Planning Department preservation review.

DESCRIPTION OF VIOLATION

The Planning Department finds that the subject property has the following Planning Code violations:

- (1) Section 145.1(d)(3)(A)- Storefront security gate was deployed during business hours.
- (2) Section 249.5(f)- Any amount of tobacco paraphernalia is a Tobacco Paraphernalia Establishment use which is Not Permitted in the North of Market residential Special Use District.

Pursuant to Planning Code Section 145.1(d)(3)(A), existing security gates for a use established prior to September 06, 2022, may only be deployed when a business is not open to the public and does not exempt the use from any required building permit. As such, the security gates cannot be closed during business hours.

Pursuant to Planning Code Section 102,

Tobacco Paraphernalia Establishment use is defined as “A Retail Sales and Service Use where more than 10% of the square footage of Occupied Floor Area, as defined in Section 102, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing, or marketing of Tobacco Paraphernalia from one person to another. For purposes of Sections 249.5, 719, 723, and 744 of this Code, however, Tobacco Paraphernalia Establishments shall mean retail uses where any Tobacco Paraphernalia is sold, distributed, delivered, furnished, or marketed from one person to another. **“Tobacco Paraphernalia” means** paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054, et seq. “Tobacco Paraphernalia” does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law.”

Pursuant to Planning Code Section 249.5, in the North of Market Residential Special Use District, a special definition of “Tobacco Paraphernalia Establishments” applicable to the North of Market Residential Special Use District is set forth in Section 102. **Tobacco Paraphernalia Establishments are not permitted in the North of Market Residential Special Use District.** In the North of Market Residential Special Use District, a legal non-conforming Tobacco Paraphernalia Establishment shall be deemed abandoned after 180 days of non-use.

Failure to comply with any Planning Code provision constitutes a violation of the Planning Code and is subject to an enforcement process, pursuant to Planning Code Section 176.

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335 Jones Street

PROPERTY HISTORY

	Date	Document	Description	Result	Notes
1	06/29/2012	BPA No. 201206293816	Change of use to general grocery, storefront alterations with outdoor seating on site.	Completed 11/21/2012	Issued 07/26/2012
2	02/28/2019	2019-002508MIS	Retail Sales and Services use dba. EZ Dollar in RC-4 District. No alcohol sales.	Approved 03/14/2019	

TIMELINE OF INVESTIGATION

On October 18, 2024, Planning Complaint No. 2024-009497ENF was accepted.

On October 29, 2024, during a City Attorney Task Force Inspection, Planning Department staff (Jia Hong Situ) conducted a site visit of the space dba. "EZ Discount" at the subject property and found the following:

1. Sale of Tobacco Paraphernalia products beyond the thresholds defined in Planning Code Section 102 and the establishment of a Tobacco Paraphernalia Establishment use, which is not permitted in the North of Market Residential Special Use District.
2. An accordion-style metal security gate at the storefront entrance deployed during business hours. The gate was partially opened and only allowed enough room to enter the entry door.

Three rooms in the rear were locked and access was not given.

On November 20, 2024, during a second City Task Force Inspection, Planning Department staff (Jia Hong Situ) conducted an inspection of the three rooms in the rear. Staff observed:

1. Sale of Tobacco Paraphernalia products and the establishment of a Tobacco Paraphernalia Establishment use, which is not permitted in the North of Market Residential Special Use District.
2. An accordion-style metal security gate at the storefront entrance deployed during business hours. The gate was partially opened and only allowed enough room to enter the entry door.

To date, the Planning Department has not received evidence to demonstrate that the above violation has been abated or a corrective action has been taken to bring the subject property into compliance with the Planning Code.

COMPLIANCE ACTIONS

How to Correct the Violation

The Planning Department requires that you immediately proceed to abate the violations by taking the following steps:

1. **Comply with Planning Code Section 249.5** by removing all Tobacco Paraphernalia products and signage. A definition of Tobacco Paraphernalia products is provided above.
2. **Comply with Planning Code Section 145.1(d)(3)(A)** by not deploying the storefront security gate

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335 Jones Street

during business hours. Not deploying the gate means that the gate is fully open.

3. **Provide photographic evidence** of the gate not deployed during business hours and the removal of all Tobacco Paraphernalia products from the store. A site visit may also be required to verify code compliance.

Please visit our website <https://sfplanning.org/> for plan submittal guidelines <https://sfplanning.org/resource/plan-submittal-guidelines>, and the code enforcement process <https://sfplanning.org/code-enforcement>.

TIMELINE TO RESPOND

The timeline to respond to this Notice of Enforcement is **thirty (30) days** from the date of this notice. The corrective actions shall be taken as early as possible. Failure to respond to this notice by correcting the violation or demonstrating compliance with the Planning Code will result in the issuance of a Notice of Violation by the Zoning Administrator.

Please contact the Enforcement Planner with any questions, to submit evidence of correction, and discuss the corrective steps to abate the violation. Should you need additional time to respond to and/or abate the violation, please discuss this with the Enforcement Planner, who will assist you in developing a reasonable timeline.

NOTICE OF VIOLATION, ADMINISTRATIVE PENALTIES AND APPEAL RIGHTS

Please Note: This Notice of Enforcement is NOT a Notice of Violation.

Once a Notice of Violation is issued and finalized, administrative penalties of up to \$1,000 per day along with any applicable additional penalties referenced above for each violation, may be assessed to the Responsible Party for each day beyond the timeline to respond provided in the Notice of Violation, if the violation is not abated.

If the Responsible Party believes that a Notice of Violation to correct a violation of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available:

- 1) **Zoning Administrator Hearing.** The Responsible Party may request a Zoning Administrator Hearing under Planning Code Section 176 within thirty (30) days from the date of the Notice of Violation by submitting to the Enforcement Planner the Request for Zoning Administrator Hearing Form [Request for Zoning Administrator \(ZA\) Hearing | SF Planning](#) with supporting evidence to the Planning Department. The request will need to show cause as to why this Notice of Violation has been issued in error and should be rescinded. Provide the emails for all parties interested in attending this hearing. The Zoning Administrator shall render a decision on the Notice of Violation within thirty (30) days of such hearing. If the Responsible Party disagrees with the Zoning Administrator's decision, they may then appeal the Zoning Administrator's written decision to the Board of Appeals within thirty (30) days from the date of the decision.

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335 Jones Street

- 2) **Board of Appeals.** The Responsible Party or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation within thirty (30) days from the date of the Notice of Violation to the Board of Appeals located at:

49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: (628) 652-1150
Website: [Board of Appeals | San Francisco \(sf.gov\)](https://www.sfdph.org/dph/epi/BoardofAppeals/Pages/default.aspx)

If Board of Appeals upholds the Notice of Violation the Board may not reduce the amount of penalty below \$200 per day for each day the violation continues unabated.

Penalties are not assessed during the period when the matter is pending either before the Zoning Administrator or before the Board of Appeals. However, if the Responsible Party requests continuance of the appeal without a reasonable cause with the Board of Appeals, the penalties may still be assessed during the continuation period.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for “Time and Materials” to recover the cost of correcting the Planning Code violations. **Accordingly, the “Time and Materials” cost associated with the Code Enforcement investigation to date is currently \$1,725.00. The Responsible Party is responsible to pay this fee for any confirmed violations.** Additional fees continue to accrue until the violation is abated. The fee is separate from the administrative penalties described above and is not appealable.

Failure to Pay Penalties and Fees

If the Responsible Party fails to pay the “Administrative Penalties” and “Time and Materials” fee to the Planning Department within thirty (30) days of the issuance of Notice of Penalty and Fee, the Zoning Administrator may take action to collect the “Penalties” and any unpaid “Time and Materials” fee owed to the Department, including:

- 1) Referral of the matter to the Bureau of Delinquent Revenue (BDR) under Chapter 10, Article V, Section 10.39 of the San Francisco Administrative Code. The BDR may apply a 25% surcharge for their collection services. Please note that such surcharge will be considered part of the cost of correcting the violation, and the Responsible Party will be responsible for such charges.
- 2) Initiation of lien proceedings under Chapter 10, Article XX, Section 10.230 et seq. of the San Francisco Administrative Code; and
- 3) Requesting the San Francisco Office of City Attorney to pursue collection of the “Administrative Penalties” and “Time and Materials” imposed against the Responsible Party in a civil action.

Other Applications Under Consideration

NOTICE OF ENFORCEMENT
November 27, 2024

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335 Jones Street

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any separate applications for work proposed on the same property. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until a corrective action is taken to abate the violation.

We want to assist you to bring the subject property into full compliance with the Planning Code. If you have any questions on the enforcement and appeal processes, or if you need additional time to correct the violations, please contact the Enforcement Planner noted above and we will assist you in developing a reasonable timeline.

CC:

Hunter W. Sims, Deputy City Attorney, City Attorney's Office, hunter.sims@sfcityattty.org

Kimia Haddadan, Tenderloin Community Equity Manager, Planning Department,

kimia.haddadan@sfgov.org

Carl Malchow, Acting Chief Building Inspector, Department of Building Inspection,

carl.malchow@sfgov.org

Chris Francis, Building Inspector, Department of Building Inspection, chris.francis@sfgov.org

Jimmy Guaiumi, Acting Senior Building Inspector, Department of Building Inspection,

jimmy.guaiumi@sfgov.org

Gilbert Lam, Senior Building Inspector, Department of Building Inspection, gilbert.lam@sfgov.org

EXHIBIT C

DAVID CHIU, State Bar #189542
City Attorney
YVONNE R. MERÉ, State Bar #173594
Chief Deputy City Attorney
WADE CHOW, State Bar #168527
Chief Attorney
Code Enforcement Team
HUNTER W. SIMS III, State Bar #266039
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1390 Market Street, Seventh Floor
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Telephone: (415) 554-4259
Facsimile: (415) 437-4644
E-Mail: hunter.sims@sfcityatty.org

Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

ELECTRONICALLY
FILED

*Superior Court of California,
County of San Francisco*

04/10/2025
Clerk of the Court

BY: SAHAR ENAYATI
Deputy Clerk

CGC-25-624266

CITY AND COUNTY OF SAN
FRANCISCO, a Municipal Corporation; and
the PEOPLE OF THE STATE OF
CALIFORNIA, by and through David Chiu,
City Attorney for the City and County of San
Francisco,

Plaintiffs,

vs.

155 TURK STREET ASSOCIATES L.P.,
ALEXANDER NOCON, an individual,
RUDOLFO NOCON, an individual,
ANGELICA NOCON, an individual, TWIN
APPLE INC., DBA ED'S MARKET, ADAL
SAIF ALTAHAMI, an individual, DOE 1
through DOE 5,

Defendants.

Case No.

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF AND PENALTIES**

Type of Complaint [42] Other

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1 The CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, and the PEOPLE
 2 OF THE STATE OF CALIFORNIA, by and through San Francisco City Attorney DAVID CHIU
 3 (collectively “Plaintiffs”), file their Complaint against Defendants 155 TURK STREET
 4 ASSOCIATES L.P., ALEXANDER NOCON, an individual, RUDOLFO NOCON, an individual,
 5 ANGELICA NOCON, an individual, TWIN APPLE INC. DBA ED’S MARKET, ADAL SAIF
 6 ALTAHAMI, an individual, DOE 1 through DOE 5 (collectively “Defendants”). PLAINTIFFS
 7 hereby allege as set forth below:

8 INTRODUCTION

9 1. Since 2017, when DEFENDANTS began their business, the residents of the Tenderloin
 10 neighborhood have suffered due to the DEFENDANTS’ illegal acts and business practices at the
 11 property located at 153 Turk Street, San Francisco, California, located on Turk Street mid-block
 12 between Taylor and Jones Leavenworth Streets. DEFENDANTS operate a business at 153 Turk Street
 13 that contributes to the criminal activity in the Tenderloin. This action seeks to put an end to that
 14 activity.

15 2. DEFENDANTS have owned and operated TWIN APPLE INC., doing business as
 16 ED’S MARKET, since at least January 2017. Due to the illegal gambling and the sale of drug
 17 paraphernalia and stolen merchandise occurring at the property, ED’S MARKET has attracted
 18 criminal and nuisance activity to the surrounding community, necessitating police intervention and
 19 adversely affecting the neighborhood and the health, safety, and well-being of those who live and
 20 work in the area, as well as the general public.

21 3. By allowing illegal gambling to occur at ED’S MARKET, DEFENDANTS have
 22 maintained the property as a nuisance in violation of California Penal Code sections 11225-11235
 23 (“Red Light Abatement Law”).

24 4. By allowing illegal gambling and the sale of drug paraphernalia to occur at ED’S
 25 MARKET, DEFENDANTS have maintained the property as a public nuisance in violation of
 26 California Civil Code sections 3479-3480.

27 5. By operating, and/or allowing the operation of, ED’S MARKET in repeated violation
 28 of applicable state and local laws and as a nuisance, DEFENDANTS have also demonstrated a pattern

1 and practice of engaging in unlawful business practices in violation of the Unfair Competition Law
2 (“UCL”), California Business and Professions Code sections 17200-17210.

3 6. California’s Gambling Control Act (“GCA”), Business and Professions Code sections
4 19800 *et seq.* was passed in 1997. While gambling establishments have existed in California for over
5 100 years, the legal gambling industry prior to 1984 was almost entirely unregulated; California law
6 has since outlawed certain forms of gambling and left other forms free of government oversight or
7 regulation.

8 7. With the passage of the GCA, the California Legislature recognized that “[u]nregulated
9 gambling enterprises are inimical to the public health, safety, welfare, and good order. Accordingly,
10 no person in this state has a right to operate a gambling enterprise except as may be expressly
11 permitted by the laws of this state and by the ordinances of local governmental bodies.” Business and
12 Professions Code section 19801(d).

13 8. California has long recognized the adverse impact of gambling on individuals and
14 communities and has consequently restricted legal gambling to the California Lottery, “card rooms,”
15 casinos operated by Native American tribes, and race tracks. State law and many local ordinances
16 make virtually all other forms of gambling expressly illegal and provide local governments both civil
17 and criminal remedies to address the crime and nuisance created by illegal gambling operations. *See*
18 Penal Code Chapter 10, sections 330-337 *et seq.* and 11225-11235; San Francisco Municipal Police
19 Code sections 325-327.

20 9. In order to lawfully operate a business in which drug paraphernalia is offered, sold, or
21 given away, the business must keep and display the drug paraphernalia in a separate room, and the
22 business must exclude minors not accompanied by a parent or legal guardian from entry. *See* Health
23 and Safety Code, Chapter 6, section 11364.5.

24 **PARTIES AND SUBJECT PROPERTY**

25 10. Plaintiff CITY AND COUNTY OF SAN FRANCISCO (the “CITY”) is a municipal
26 corporation organized and existing under and by virtue of the laws of the State of California, and is a
27 city and county. The CITY brings this action under the Red Light Abatement Law, California Civil
28 Code sections 3479, 3480, 3491, 3494, and California Code of Civil Procedure section 731.

1 11. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA (the “PEOPLE”), by and
2 through David Chiu, City Attorney of the City and County of San Francisco, bring this action pursuant
3 to the Red Light Abatement Law, the Unfair Competition Law, Civil Code Sections 3479, 3480, 3491,
4 2494, and Code of Civil Procedure Section 731.

5 12. Defendant 155 TURK STREET ASSOCIATES, LP owns the property where ED’S
6 MARKET is located, namely 153 Turk Street, San Francisco, California, San Francisco Assessor’s
7 Block 0343, Lot 017A (“PROPERTY”). 155 TURK STREET ASSOCIATES, LP is a San Francisco
8 based Limited Partnership.

9 13. Defendant ALEXANDER NOCON, an individual, is a Manager or Member of 155
10 TURK STREET ASSOCIATES, LP and is domiciled in Sunnyvale, California.

11 14. Defendant RUDOLFO NOCON, an individual, is a Manager or Member of 155 TURK
12 STREET ASSOCIATES, LP and is domiciled in San Francisco, California.

13 15. Defendant ANGELICA NOCON, an individual, is a Manager or Member of 155
14 TURK STREET ASSOCIATES, LP and is domiciled in Sunnyvale, California.

15 16. Defendant ADAL SAIF ALTAHAMI is the Chief Executive Officer of Defendant
16 TWIN APPLE INC. and is the individual who owns, manages and/or operates ED’S MARKET, a
17 commercial business located at 135 Turk Street, in the City and County of San Francisco. ED’S
18 MARKET is an illegal gambling business, where patrons pay to play slot machines for the chance to
19 win cash payouts. Actions taken, or omissions made, by TWIN APPLE, INC.’s and ADAL SAIF
20 ALTAHAMI’s employees or agents in the course of their employment or agency at ED’S MARKET
21 are considered to be actions or omissions of TWIN APPLE, INC. and ADAL SAIF ALTAHAMI for
22 the purposes of this Complaint. ADAL SAIF ALTAHAMI is domiciled in San Francisco, California.

23 17. Defendants DOE ONE through DOE FIVE are sued herein under fictitious names.
24 Plaintiffs do not at this time know the true names or capacities of said defendants, but pray that the
25 same may be alleged herein when ascertained.

26 ///

27 ///

28 ///

GENERAL ALLEGATIONS

18. ED’S MARKET is a commercial business located on the ground floor of 153 Turk Street, San Francisco, California, on a busy commercial street in the Tenderloin district of San Francisco. ADAL SAIF ALTAHAMI is the Chief Executive Officer of Defendant TWIN APPLE INC. and owns and/or operates ED’S MARKET, which has been in operation since at least October 2024. ADAL SAIF ALTAHAMI leases the commercial space from 155 TURK STREET ASSOCIATES, LP.

19. ED’S MARKET has the appearance of a convenience store. However, Defendant ADAL SAIF ALTAHAMI ran a gambling operation in a back room where they offered electronic slot machines.

20. ED’S MARKET offered a variety of slot machines, including different varieties of “spinning reel” slot machine games. The slot machines accepted cash in exchange for “points” or “credits” used to play the machines. The players won or lost the games depending on chance. The outcome of the games was unpredictable to the patrons. The machines tracked a player’s “wins,” and winnings were paid in cash by a cashier at ED’S MARKET.

21. Beginning in February 2025, the San Francisco Police Department (“SFPD”) began receiving complaints of gambling at ED’S MARKET.

22. SFPD conducted an undercover operation at ED’S MARKET on February 16, 2025. The officer entered Ed’s Market and purchased a “torch” type lighter and a coconut water from the store clerk. The officer asked the clerk at ED’S MARKET if he could get change for a \$20 so he could play the games inside the store. The officer walked into the interior of ED’S MARKET and saw four electronic gambling machines, one of which appeared to be not working. The officer saw a small, back room at the rear of the store that had two additional gambling machines. There were several people playing the machines.

23. The officer played the only unoccupied machine. The officer put \$15 into the machine and lost. During the time the officer played, they saw patrons who were playing on other machines cash out their winnings. The officer then left ED’S MARKET.

24. On March 5, 2025, SFPD members obtained and executed a search warrant at the ED'S MARKET.

25. Members of the SFPD found significant evidence of criminal activity while executing the search warrant at ED'S MARKET. Officers seized 11 electronic gambling machines and, \$3,936 in cash, and hundreds of glass pipes.

26. ED'S MARKET's gambling operation is illegal under Penal Code section 330b, which makes it unlawful for businesses to operate or possess, and property owners to allow the operation or possession of, slot machines, which it defines as follows:

[A] machine, apparatus, or device that is adapted, or may readily be converted, for use in a way that, as a result of the insertion of any piece of money or coin or other object, or by any other means, the machine or device is caused to operate or may be operated, and by reason of any element of hazard or chance or of other outcome of operation unpredictable by him or her, the user may receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or additional chance or right to use the slot machine or device, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value, or which may be given in trade, irrespective of whether it may, apart from any element of hazard or chance or unpredictable outcome of operation, also sell, deliver, or present some merchandise, indication of weight, entertainment, or other thing of value.

27. ED'S MARKET's gambling operation also violates San Francisco Municipal Police Code section 325, which provides:

It shall be unlawful for any person, either as owner, lessee, agent, employee, mortgagee or otherwise to operate, keep, maintain, rent, use or conduct, within the City and County of San Francisco, any clock, tape, slot or card machine, or any other machine, contrivance or device upon which money is staked or hazarded upon chance or into which money is paid, deposited, or played, upon chance or upon result of the action of which money or any other article or thing of value is staked, bet, hazarded, won or lost upon chance.

28. ED'S MARKET sells drug paraphernalia to individuals who DEFENDANTS know will often use narcotics in plain view in front of the store. DEFENDANTS sell straight glass pipes and Brillo pads that are used to ingest base rock cocaine, also known as "crack." In addition, DEFENDANTS sell glass pipes that are specifically designed to smoke methamphetamine. During the

March 5, 2025 search, officers observed dozens of these pipes offered for sale near the cash register, which is an area accessible to minors.

29. Since ED'S MARKET has been in existence, criminal and nuisance activity has plagued the area, necessitating police intervention and adversely affecting the surrounding neighborhood. The neighborhood has experienced a rising number of thefts, assaults, drug-related offenses and arrests of ED'S MARKET customers wanted on outstanding warrants. DEFENDANTS' maintenance of the ED'S MARKET has interfered with the comfortable enjoyment of life and property in the surrounding community. Its continued operation is a nuisance that threatens the health and safety of the neighborhood and the well-being of those who live and work in the area, as well as the general public.

FIRST CAUSE OF ACTION
FOR VIOLATION OF THE RED LIGHT ABATEMENT ACT BROUGHT BY PLAINTIFFS
PEOPLE OF THE STATE OF CALIFORNIA AND THE CITY AND COUNTY OF SAN
FRANCISCO AGAINST ALL DEFENDANTS
(Penal Code Sections 11225 -11235)

26. Plaintiffs PEOPLE OF THE STATE OF CALIFORNIA and the CITY AND COUNTY OF SAN FRANCISCO hereby incorporate by reference paragraphs 1 through 25 above, as though fully set forth herein.

27. DEFENDANTS operated, and/or permitted the operation of, an illegal gambling establishment at ED'S MARKET by possessing and/or operating, or permitting the sale of possession and operation of, "machine[s] or device[s]" that "may be operated, and by reason of . . . hazard or chance or of other outcome of operation unpredictable by [the user], the user may receive or become entitled to receive . . . [an] additional chance or right to use the slot machine or device" or a "token, or memorandum . . . which may be exchanged for any money, credit, allowance, or thing of value." Penal Code section 330b(d). By possessing and/or operating, and/or permitting the possession and/or operation of, these machines or devices, DEFENDANTS have violated and continue to violate Penal Code section 330b(d) and San Francisco Municipal Police Code sections 325-327. This illegal gambling operation constitutes a nuisance as a matter of law under Penal Code section 11225.

28. Pursuant to Penal Code section 11230, PLAINTIFFS request that the Court order the closure of ED'S MARKET for one year and impose civil penalties of \$25,000.00 against each Defendant to prevent DEFENDANTS from continuing to maintain or permit a nuisance at the PROPERTY.

29. Unless said nuisance is abated, the surrounding community and neighborhood, and the residents and citizens of the City and County of San Francisco and the People of California, will suffer irreparable injury and damage, in that said conditions will continue to be dangerous to the life, safety or health of those who live and work near the PROPERTY and the general public.

30. PLAINTIFFS have no adequate remedy at law in that damages alone are insufficient to protect the public from the present injury and harm caused by the conduct described above.

SECOND CAUSE OF ACTION
FOR UNLAWFUL BUSINESS PRACTICES BROUGHT BY PLAINTIFF PEOPLE OF THE
STATE OF CALIFORNIA AGAINST ALL DEFENDANTS
(California Business and Professions Code Sections 17200-17210)

31. Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, hereby incorporates by reference paragraphs 1 through 30 above, as though fully set forth herein.

32. The PEOPLE bring this cause of action in the public interest in the name of the PEOPLE OF THE STATE OF CALIFORNIA, pursuant to Business and Professions Code sections 17200 through 17210, in order to protect the residents and owners of properties adjoining ED'S MARKET from the unlawful business practices committed by DEFENDANTS in the operation of the ED'S MARKET within the City and County of San Francisco, State of California.

33. The violations of law described herein have been, and are being, carried out wholly or in part within the City and County of San Francisco. The actions of DEFENDANTS are in violation of the laws and public policies of the City and County of San Francisco and the State of California, and are inimical to the rights and interest of the general public.

34. DEFENDANTS are now engaging in and, for a considerable period of time and at all times pertinent to the allegations of this Complaint, have engaged in, unlawful business practices prohibited by California's Unfair Competition Law by managing and operating, and/or allowing the management and operation of, ED'S MARKET in violation of the following laws:

1 • Penal Code sections 11225-11235 by allowing illegal gambling to occur at the ED'S
2 MARKET;

3 • Penal Code section 330b by possessing and/or operating, or permitting the possession
4 and/or operation, of slot machines or devices (as defined in Penal Code section 330b(d)) at ED'S
5 MARKET;

6 • San Francisco Municipal Police Code sections 325-327 by operating and/or keeping
7 slot machines or their equivalent at ED'S MARKET.

8 • Health and Safety Code section 11364.5 for unlawfully keeping and selling drug
9 paraphernalia in an area accessible to minors.

10 • Health and Safety Code section 11364.7 by delivering, furnishing, transferring, and
11 possessing with intent to deliver, furnish or transfer drug paraphernalia, knowing or under
12 circumstances where one reasonably should know that it will be used to ingest, inhale or otherwise
13 introduce into the human body a controlled substance.

14 35. DEFENDANTS are now engaging in and, for a considerable period of time and at all
15 times pertinent to the allegations of this Complaint, have engaged in, unfair business practices
16 prohibited by California's Unfair Competition Law, Business and Professions Code sections 17000-
17 17210 by attracting patrons through the offer of illegal gambling and drug paraphernalia. These
18 customers purchase legitimate products when they come to ED'S MARKET to gamble or to buy drug
19 paraphernalia when they otherwise would patronize the businesses of DEFENDANTS' competitors.

20 36. As a direct and proximate result of the foregoing acts and practices, DEFENDANTS
21 have received income, profits, and other benefits, which they would not have received if
22 DEFENDANTS had not engaged in the violations of the Unfair Competition Law described in this
23 Complaint.

24 37. The PEOPLE have no adequate remedy at law in that damages are insufficient to
25 protect the public from the harm caused by the conditions described in this Complaint.

26 38. Unless injunctive relief is granted to enjoin the unlawful business practices of
27 DEFENDANTS, the PEOPLE will suffer irreparable injury and damage.
28

39. By engaging in the unlawful business practices described herein, DEFENDANTS are each subject to civil penalties in the amount of \$2,500.00 per violation, pursuant to Business and Professions Code section 17206.

**THIRD CAUSE OF ACTION
PUBLIC NUISANCE**

**(California Civil Code Sections 3479 and 3480, and California Code of Civil Procedure
Section 731)**

40. PLAINTIFFS hereby incorporate by reference all of the foregoing paragraphs, as though fully set forth herein.

41. DEFENDANTS and their employees have sold and offered for sale paraphernalia used to ingest or inhale controlled substances at ED'S MARKET. Such conduct adversely affects public health, contributes to illegal drug activity, and contributes to other criminal activity.

42. DEFENDANTS and their employees have operated an illegal gambling operation at ED'S MARKET. Such conduct adversely affects public health and contributes to other criminal activity, including violent crimes such as robbery.

43. As described above, DEFENDANTS are now, and for a considerable period of time, and at all times pertinent to the allegations in this Complaint have been, maintaining the PROPERTY in such a manner as to constitute a continuing public nuisance within the meaning of Civil Code sections 3479 and 3480. The practices described above are injurious to the health and safety of the residents and the community, are offensive to the senses, and interfere with the comfortable enjoyment of life and property. The practices described above also affect a considerable number of people and an entire community and neighborhood.

44. At all times herein mentioned, DEFENDANTS have had notice and knowledge that the PROPERTY constituted a public nuisance because of the multiple calls for service to the PROPERTY by members of the San Francisco Police Department and prior civil investigations into DEFENDANTS' conduct for the same illegal actions described above, but DEFENDANTS have taken inadequate steps to abate the public nuisance.

45. PLAINTIFFS have no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described herein.

46. Unless these nuisance conditions are abated, the occupants and neighbors of the subject PROPERTY and the residents of the City and County of San Francisco will suffer irreparable injury and damage because the nuisance conditions will continue to be injurious to the continuous enjoyment of life and the free use of property of the neighbors and the public.

PRAYER

WHEREFORE, PLAINTIFFS pray that:

Declaratory Relief

1. The PROPERTY be declared a nuisance in violation of Penal Code sections 11225-11235;
2. DEFENDANTS be declared to have engaged in unlawful business acts and practices in violation of Business and Professions Code sections 17200-17210;

Injunctive Relief

3. The nuisance be preliminarily and permanently abated in accordance with Penal Code sections 11225-11235;
4. All movable property used in the maintenance of the nuisance at the PROPERTY be removed and sold, pursuant to Penal Code section 11230;
5. ED'S MARKET be closed for one year, pursuant to Penal Code section 11230;
6. In the event the Court decides that any vacancy resulting from closure will be harmful to the community, in lieu of closing ED'S MARKET, each Defendant be ordered to pay damages in an amount equal to the fair market rental value of the commercial space occupied by ED'S MARKET for one year, pursuant to Penal Code section 11230;
7. In the event that the Court does not order ED'S MARKET closed, all DEFENDANTS, their agents, officers, lessees, managers, representatives, employees, and anyone acting on their behalf, and their heirs and assignees be preliminarily and permanently enjoined from operating, conducting, using, occupying, or in any way permitting the use of ED'S MARKET as a nuisance pursuant to Penal Code sections 11225-11235;

///

///

1 8. DEFENDANTS be enjoined and restrained from occupying or operating, and/or
2 allowing the occupation or operation of, ED'S MARKET while the conditions described in this
3 Complaint exist and until all of the violations at ED'S MARKET have been abated;

4 9. DEFENDANTS be ordered to cause the PROPERTY to conform to law, and maintain
5 such structures and all parts thereof in accordance with law;

6 10. Pursuant to California Business and Professions Code sections 17203-17204,
7 DEFENDANTS, their agents, officers, lessees, managers, representatives, employees, and anyone
8 acting on their behalf, and their heirs, successors, and assignees be enjoined from operating,
9 conducting, using, occupying, or in any way permitting the use of ED'S MARKET in the unlawful
10 business practices described in this Complaint;

11 11. DEFENDANTS, and each of them, inclusive, be enjoined from spending, transferring,
12 encumbering, or removing from California any money received from ED'S MARKET or in payment
13 for the unlawful acts alleged in the Complaint;

14 **Penalties**

15 12. The Court impose civil penalties of \$25,000.00 against each Defendant pursuant to
16 Penal Code section 11230;

17 13. DEFENDANTS be ordered to each pay a civil penalty of \$2,500.00 for each act of
18 unlawful or unfair competition, pursuant to Business and Professions Code section 17206;

19 ///

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Fees and Costs

14. DEFENDANTS be ordered to pay PLAINTIFFS ' reasonable attorney's fees and costs, including the cost of investigation and discovery, pursuant to Civil Code section 3496(b).

15. PLAINTIFFS be awarded their costs incurred herein pursuant to Code of Civil Procedure section 1032; and

16. The Court grant such other and further relief as this Court should find just and proper.

Dated: April 10, 2025

DAVID CHIU
City Attorney
YVONNE R. MERÉ
Chief Deputy City Attorney
WADE CHOW
Chief Attorney
Code Enforcement Team
HUNTER W. SIMS III
Deputy City Attorney

By: _____

HUNTER W. SIMS III

Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

EXHIBIT D

CITY ATTORNEY OF SAN FRANCISCO

DAVID CHIU, CITY ATTORNEY

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City Attorney sues Tenderloin drug and gambling dens fronting as small businesses

April 11, 2025

SFPD investigations revealed multiple Tenderloin stores operated illegal gambling dens, sold drugs, and fueled criminal activity and fencing operations

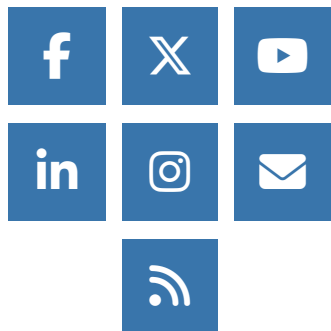
SAN FRANCISCO (April 11, 2025) — City Attorney David Chiu announced today that he filed several lawsuits against the property owners and managers of four Tenderloin stores for operating illegal gambling dens and enabling other criminal activity in the neighborhood. The businesses housed substantial illegal gambling operations, facilitated criminal and drug activity in the neighborhood, and, in some cases, illegally sold controlled substances. These property owners and business managers violated a number of state and local laws and California's Unfair Competition Law.

Lawsuits were filed against the property owners and managers of Family Corner Discounts, US Smoke Shop, EZ Dollar Discount Store, and Ed's Market.

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“It is clear these stores are magnets for substantial illegal activity,” said **City Attorney David Chiu**. “Drug dealing, gambling, fencing, selling contraband and illegal tobacco products—these stores are the Wild West. One store went as far as to store meth for sale under a display shelf. I commend SFPD for identifying these problematic stores that endangered the safety and welfare of their Tenderloin neighbors. We are asking the Court to protect the community, hold these owners accountable, and level the playing field for law-abiding small businesses.”

“The SFPD will continue to crack down on this illegal activity in our community,” said **Chief Bill Scott**. “The City is united in the effort to dismantle drug markets, illegal gambling dens and other criminal activity to ensure our streets are clean and safe. I want to thank City Attorney David Chiu for partnering in this effort and using the tools at his disposal to hold these individuals accountable.”

“These illegal drug and gambling dens threaten the safety of the children, families, and seniors in our community who walk by the businesses every day,” said **Supervisor Bilal Mahmood**, who represents the Tenderloin. “I commend our City Attorney and his team for taking this issue seriously and working to bring safety back to our neighborhood.”



City Attorney David Chiu and Chief Bill Scott speak at a press conference in November 2023.

Family Corner Discounts

The owner of Family Corner Discounts has leased the commercial property at 401 Ellis Street since at least February 2024. In January 2025, a San Francisco Police Department (SFPD) officer saw people crowded around a gambling machine in the store, and saw an individual walk in and show the clerk a container of laundry detergent concealed under his jacket, indicating a possible fencing operation. The following day, undercover officers used the gambling machines at the store and observed five other gambling machines.

Later that month, SFPD executed a search warrant and seized six electronic gambling machines, \$4,456 of cash, a payment ledger, foreign tobacco products, merchandise on display for sale with CVS price stickers, and 50.8 grams of methamphetamine located under a display shelf. The store also sold drug paraphernalia, including hundreds of glass pipes commonly used to smoke methamphetamine and crack cocaine, and small plastic baggies used to store narcotics.

US Smoke Shop

The owner of US Smoke Shop has leased the commercial property at 415 Ellis Street since at least September 2022. In January 2025, after receiving numerous complaints of illegal gambling occurring at the property, undercover SFPD officers entered the store and used the gambling machines. The following week, SFPD executed a search warrant and seized five gambling machines, two pistol magazines, \$17,269 in cash, a payment ledger, a digital scale, loose leaf cannabis, pre-rolled cannabis joints, cannabis vape cartridges, and illegal flavored tobacco products.

EZ Dollar Discount Store

The owner of EZ Dollar Discount Store has leased the commercial property at 335 Jones Street since at least January 2024. In October 2024, a SFPD plainclothes officer

observed six gambling machines and a coin pusher game in the store, but instead of prizes, the machine was filled with quarters and paper currency. Several City departments conducted a task force inspection and issued Notices of Violation (NOV) for work without a permit, the illegal sale of tobacco paraphernalia, and deploying the storefront security gate during business hours. These NOVs remain outstanding.

In January 2025, undercover SFPD officers used the gambling machines at the store. Later that month, SFPD executed a search warrant and seized six gambling machines; \$2,181 in cash; a payment ledger; prizes in one machine that consisted of Visa gift cards, a Bluetooth speaker, and a solar charger and watch; and stolen merchandise on display for sale with Walgreens, CVS, Safeway, Big 5, Trader Joe's, Target, and Harbor Freight branding. The store also sold glass pipes, digital scales, and small plastic baggies used to store narcotics.

Ed's Market

The owners of Ed's Market have leased the commercial property at 153 Turk Street since at least January 2017. In February 2025, SFPD began receiving complaints about illegal gambling at Ed's Market, and an SFPD officer then conducted an undercover operation. The officer observed four gambling machines, played one of the slot machines, and saw others play and cash out winnings. In March 2025, SFPD executed a search warrant and seized 11 gambling machines, \$3,936 in cash, and hundreds of glass pipes and Brillo pads.

Businesses that sell items defined as drug paraphernalia must keep the items in a separate room and ensure that minors do not enter the room without a parent or legal guardian. The drug paraphernalia sold at all markets were in plain view to anyone who entered the stores.

In 1997, California passed the Gambling Control Act, which restricts legal gambling to licensed California Lottery retailers, card rooms, racetracks, and casinos operated by Native American tribes. State and local law make virtually all other forms of gambling expressly illegal, including the operation or possession of gambling slot machines.

Defendants have created a public nuisance and contributed to criminal activity in the Tenderloin. San Francisco's lawsuits allege the Defendants violated multiple state and municipal codes, engaged in unlawful and unfair business practices, and profited from operating businesses or leasing properties used for gambling and other illegal activity. The lawsuits also allege that certain Defendants used their stores as fencing operations and illegally sold cannabis, flavored tobacco, or methamphetamine.

In addition to seeking penalties and injunctive relief to cure the violations at the properties, the City is asking the Court to shut down each business for one year.

The case against [Family Corner Discounts and US Smoke Shop](#) is *City and County of San Francisco and the People of the State of California v. 2008 Oh Family Trust, et al.*, San Francisco Superior Court. The case against [EZ Dollar Discount Store](#) is *City and County of San Francisco and the People of the State of California v. Ursula Fung, et al.*, San Francisco Superior Court. The case against [Ed's Market](#) is *City and County of San Francisco and the People of the State of California v. 155 Turk Street Associates L.P., et al.*, San Francisco Superior Court.

###

■ CODE ENFORCEMENT, NEWS, PUBLIC SAFETY

- < City Attorney secures \$810,000 from Chinatown SRO owners who profited off of unsafe units
- > City Attorney Chiu sues last mile delivery company for misclassifying drivers

EXHIBIT E



Mayor
Daniel Lurie

**City and County of San Francisco
Department of Public Health**

Daniel Tsai
Director
San Francisco Department of Public Health

SFDPH Pilot Treatment Connections and Safer Use Supplies Distribution Policy

Safer use supplies are an evidence-based tool for decreasing the health effects of substance use, including preventing overdoses and the transmission of certain infectious diseases such as HIV and hepatitis C. SFDPH authorizes contractors and their subcontractors to distribute safer use supplies to their program participants to reduce infectious disease transmission, prevent overdose, and build rapport with individuals in order to motivate them to enter treatment and health services.

To support the City's commitment to providing care, improving street conditions, and reducing public drug use, all SFDPH contractors and subcontractors that distribute safer use supplies must implement the following:

1. Include proactive counseling and connections to treatment as part of the distribution of safer use supplies.
 - SFDPH will require contractors and their subcontractors to provide counseling to motivate participants to enter treatment in all interactions that include the distribution of safer use supplies. This includes utilizing motivational interviewing and proactively providing connections to treatment.
 - Motivational interviewing is a counseling tool that helps participants resolve ambivalence about behavioral change to strengthen their motivation and commitment to behavior change.
 - Programs must ensure that they can rapidly link participants to treatment as soon as a participant is ready. Treatment includes medications for opioid use disorder, contingency management, withdrawal management, residential treatment, physical health treatment, and/or mental health treatment.
 - Programs are encouraged to utilize the SFDPH Telehealth Medications for Opioid Use Disorder (MOUD) program to ensure that participants can rapidly link to treatment. The SFDPH Telehealth program can be reached at (888) 246-3333 8am – midnight 7 days per week.
 - Programs should reach out to their DPH program manager to receive treatment navigation training for their staff.
 - In addition to connections to treatment, programs must also ensure that all interactions that include the distribution of safer use supplies include overdose and infectious disease prevention and education.
 - By April 16th, 2025, programs are required to submit an updated treatment connections policy and procedure document reflecting these requirements to their DPH program manager.
 - The policies and procedures must demonstrate how programs are utilizing proactive counseling to support participants and proactively provide connections to treatment. Programs must either provide proactive counseling and proactive connections to

treatment at every encounter or develop a model where all program participants receive proactive counseling and proactive connections to treatment on a regular basis (i.e. membership model).

- At a minimum, all programs must offer treatment referrals and connections to treatment at every interaction to the extent practical and receivable by the participant. Programs should also incorporate collateral, such as the SFDPH Treatment Palm Card to facilitate offers of treatment.
- Motivational interviewing that supports participants in moving along the stages of change towards treatment must be offered on a regular and recurring basis. Programs should identify specific operational steps by which they will accomplish this.
- Programs must ensure that staff, including peers, are adequately trained to provide this level of service.

2. Discontinue the distribution of safer use smoking supplies in public spaces.

- Safer use smoking supplies must only be distributed within a program site, and programs must discontinue the distribution of safer use smoking supplies on sidewalks, streets, or any other public spaces.
 - Programs in the Tenderloin, SOMA, Mission, and Castro neighborhoods must move public outdoor distribution inside by April 30th, 2025.
 - Programs in other neighborhoods must move public outdoor distribution inside by May 30th, 2025.
 - This policy applies to all SFDPH contractors and subcontractors that distribute safer use supplies regardless of where and how they acquire safer use supplies.
 - Safer use smoking supplies specifically includes pipes, straws, and foil used for the smoking consumption of drugs. Naloxone distribution is not included in this policy.
 - Neighborhoods are defined as:
 - Programs that are currently providing distribution on sidewalks, streets, or other public spaces must contact their DPH program manager to develop a plan to move distribution indoors. This shift aims to create safer, more effective pathways to treatment by integrating multidisciplinary care and wraparound services. It will also enhance neighborhood safety and protect staff and individuals seeking help.
 - Programs must also ensure they are not distributing smoking supplies to participants who will then distribute those supplies in public spaces.
- Programs must anticipate the potential impacts of moving distribution indoors, and following the SFDPH Good Neighbor Policy, programs must actively discourage loitering, excessive noise, and public drug use in the area immediately surrounding the location where safer use supplies are distributed.

3. Track and report service utilization and connection to treatment data.

- Contractors distributing safer use supplies must begin collecting and reporting aggregate de-identified program data to SFDPH.
- This includes:
 - Referral, connections to treatment, and/or on-site treatment (see data definitions in sample report below).

- Treatment services include:
 - Contingency management
 - Medications for opioid use disorder (MOUD)
 - Outpatient substance use disorder treatment
 - Outpatient mental health treatment
 - Other counseling
 - Withdrawal management
 - Residential treatment
 - HIV/HCV/STI testing and linkage to treatment
 - Primary care/medical care
- Service utilization, including race/ethnicity demographics
- Contractors and subcontractors must submit their data through an online data reporting portal.
- The first report will be due June 30th and include data from May 1- 31, 2025. Data for June, July, August, and September will be reported monthly at the end of the following month.
 - Report due July 31st for data from June 1st-30th, 2025
 - Report due August 31st for data from July 1st-31st, 2025
 - Report due September 31st for data from August 1st-31st, 2025
 - Report due October 31st for data from September 1st-31st, 2025
- After the first four months of the pilot, data will be reported quarterly and due at the end of the month following the preceding quarter.
 - Report due January 31st, 2026 for data from October 1st-December 31st, 2025
 - Report due April 30th, 2026 for data from January 1st-March 31st, 2026
 - Report due July 31st, 2026 for data from April 1st-June 30th, 2026

4. Services to minors

- In alignment with California State Health and Safety Code Section 121349, safer use supply services may not be restricted by age. Due to the increased vulnerability of youth, programs must provide more frequent proactive counseling and age-appropriate connections to treatment for people seeking services under the age of 18.

5. Monitoring and Accountability

- As stated above, programs are required to submit an updated treatment connections policy and procedure document reflecting these requirements to their DPH program manager by April 30th, 2025. DPH program managers will be conducting regular site visits to ensure compliance with the policy.
- Each unique program should retain a copy of its Updated Treatment Connections Policy and Procedure Document, along with a copy of the subject policy in the program's Administrative Binder (see below).
- This policy will be added to the FY25-26 Program Declaration of Compliance, as part of the Compliance Checklist of items that must be retained in the program's administrative binder. This will be monitored annually by the Business Office of Contract Compliance (BOCC). Failure to comply with the requirements may result in a Corrective Action Plan (CAP).
- Finally, SFDPH will closely monitor the implementation of this pilot by tracking overdose rates and new HIV and hepatitis C infections to ensure this approach remains effective and data-driven.

Sample Data Tracking

Metric	Definition	Value
Referral to Contingency Management	# of safer use supplies distribution encounters where a participant receives a referral to contingency management services per reporting period A referral is defined as providing information to a program participant that has expressed interest in a specific service. Example: Providing the location and hours of a contingency management program to a participant who has expressed interest in stopping the use of stimulants.	X
Connections to Contingency Management	# of safer use supplies distribution encounters where a provider connects a client to contingency management services per reporting period A connection to treatment is defined as establishing an initial face-to-face and/or interpersonal connection between a participant and an external service provider. Example: Calling a contingency management program and ensuring they have intake availability for the program participant and letting them know that you are sending a participant to the program.	X
On-Site Contingency Management	# of safer use supply distribution encounters where a participant is enrolled in on-site or within program contingency management services per reporting period Example: A program participant expresses interest in contingency management and the provider enrolls that participant in the contingency management program at the same agency	X

EXHIBIT F

In the Matter of:

JANE ROE, ET AL. vs CITY AND COUNTY OF SAN FRANCISCO

TYLER TERMEER, PHD

November 14, 2025



JANE ROE, ET AL. vs CITY AND COUNTY OF SAN FRANCISCO
TYLER TERMEER, PHD 11/14/2025

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO/OAKLAND
DIVISION

JANE ROE, an individual; MARY ROE,)
an individual; SUSAN ROE, an)
individual; JOHN ROE, an)
individual; BARBARA ROE, an)
individual; PHOENIX HOTEL SF, LLC,)
a California limited liability)
company; FUNKY FUN, LLC, a)
California limited liability)
company; and 2930 EL CAMINO, LLC,)
a California limited liability)
company,)

Plaintiffs,)

v.)

CITY AND COUNTY OF SAN FRANCISCO,)
a California public entity,)

Defendants.)

**CERTIFIED
TRANSCRIPT**

Case No.
4:24-cv-01562-JST

DEPOSITION OF TYLER TERMEER, PHD

Taken via Zoom

Friday, November 14, 2025

Reported by Jane Gallegos, CSR
Certificate No. 14676

JANE ROE, ET AL. vs CITY AND COUNTY OF SAN FRANCISCO
 TYLER TERMEER, PHD

11/14/2025

Page 2

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO/OAKLAND

DIVISION

JANE ROE, an individual; MARY ROE,)
 an individual; SUSAN ROE, an)
 individual; JOHN ROE, an)
 individual; BARBARA ROE, an)
 individual; PHOENIX HOTEL SF, LLC,)
 a California limited liability)
 company; FUNKY FUN, LLC, a)
 California limited liability)
 company; and 2930 EL CAMINO, LLC,)
 a California limited liability)
 company,)

Plaintiffs,)

v.)

) Case No.

) 4:24-cv-01562-JST

CITY AND COUNTY OF SAN FRANCISCO,)
 a California public entity,)

Defendants.)

On Friday, November 14, 2025, commencing at the hour
 of 1:59 p.m., via Zoom, before me, Jane Gallegos,
 Certified Shorthand Reporter in and for the State of
 California, remotely appeared

TYLER TERMEER, PHD,

called by the Plaintiffs, who, being by me first duly
 sworn, was thereupon examined as a witness in said cause.

JANE ROE, ET AL. vs CITY AND COUNTY OF SAN FRANCISCO
TYLER TERMEER, PHD

11/14/2025

Page 3

A P P E A R A N C E S

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ALSO PRESENT:
PHILIP KNOWLES, LEGAL VIDEOGRAPHER
(Appeared remotely)

JANE ROE, ET AL. vs CITY AND COUNTY OF SAN FRANCISCO
 TYLER TERMEER, PHD

11/14/2025

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1 a letter dated April 1st, 2025, from the Department of
2 Public Health, Director Tsai.

3 Do you see that?

4 A Yes.

5 Q Do you recognize this letter?

6 A Yes, I do.

7 Q And is this a letter that also announced the
8 City's new policy?

9 A Yes.

10 Q Great. And if we look at the letter, it says --
11 and I've highlighted -- this is my highlighting in the
12 third paragraph. It's bolded with my highlight. It says:
13 "We are sharing with you today that beginning
14 April 30th, 2025, all SFDPH-funded programs that
15 distribute any safer-use supplies must include proactive
16 counseling," parens "e.g. with motivational interviewing,"
17 close parens, "and connections to treatment."

18 Do you see that?

19 A I do.

20 Q Is that the City's policy, to your understanding,
21 today?

22 A My understanding of the City's policy today is
23 that we must include proactive counseling whenever
24 practicable.

25 Q And has there been any change in the policy to

1 add that qualifier, "whenever practicable"?

2 A To my knowledge, that is the way that it appears
3 in our -- our policy that was required by Public Health,
4 so they -- each site was asked to draft our own policies
5 that were then approved for implementation. So I'm
6 unaware personally if the overall policy was changed, but
7 our policy for implementation includes that language.

8 Q And are you telling us that this -- Foundation's
9 policy includes the language "whenever practicable," and
10 that the City has reviewed and approved that policy?

11 A That is correct.

12 Q Who from the City would have reviewed and
13 approved that policy?

14 A We would have submitted it through our project
15 monitor, Emily Raganold, but I'm unaware of who ultimately
16 would have had approval authority.

17 Q And are you aware of any document or
18 communication or other -- anything that memorializes the
19 City's approval of The Foundation's policy that has a
20 qualifier "whenever practicable"?

21 A I'm not aware of an email that -- I'm not
22 personally aware of an email that approves it, although --
23 yeah. I'm not personally aware of it. It would have gone
24 to -- it would not have come directly to me.

25 MR. DAVIS: I promised you at the beginning that

1 A The Foundation does place orders through the
2 State Clearinghouse for our partners at the Homeless Youth
3 Alliance for safer smoking supplies. That is separate
4 from our relationship and the syringe access
5 collaborative. We partner with many agencies in multiple
6 forms; but, yes, we do place an order for the homeless
7 youth alliance through the syringe access -- or sorry --
8 through that -- the State Clearinghouse, separate from the
9 syringe access collaborative. We do not for Glide.

10 Q So if -- to the extent Glide is distributing
11 smoking supplies, those supplies are not originating, in
12 any way, with The Foundation?

13 A To my knowledge, Glide has a separate
14 relationship with the State Clearinghouse.

15 Q Okay. Okay. And you don't have any knowledge
16 about how Glide hands out those smoking supplies?

17 A I am unaware of their specific policies.

18 Q Glide does receive money from The Foundation with
19 respect to the syringe access collaborative?

20 A They do receive money in respect to the syringe
21 access collaborative.

22 Q Okay. And do you have any understanding as --
23 well, is it your understanding that Glide is obligated to
24 follow the same policy, the new City policy, with respect
25 to smoking supplies that The Foundation is obligated to

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1 follow?

2 MS. MURPHY: Object to form.

3 THE WITNESS: It is my understanding that there
4 is one overarching policy of the City, as it relates to
5 safer smoking supply distribution in public spaces for
6 its -- for its City-funded sites, and that we were all
7 asked to develop a protocol and policy for how that would
8 be done.

9 BY MR. DAVIS:

10 Q And have you -- first of all, do you have a
11 contact at Glide for the syringe access collaborative
12 work?

13 A I do not personally, but my staff would.

14 Q Do you know who the Glide contact is?

15 A I do not, currently. They have recently gone
16 through staff transition, so the contact I did know is no
17 longer there.

18 Q Who was the contact that you knew?

19 A Michael Discepola.

20 Q Now going back to The Foundation's policy, which
21 is Exhibit 7 to your deposition, there's some other
22 exceptions under the not practical or receivable category.
23 One of them is "severe untreated mental health symptoms
24 that present as a barrier to communication."

25 Can you explain to us what that means?

1 A Yes. It's -- if someone were to show up at one
2 of our sites and be determined to be in a state of severe
3 psychosis or untreated mental health, presenting symptoms
4 that they were unable to effectively communicate at the
5 time, but is presenting in a way that we recognize that
6 they are going to use a substance, we would still provide
7 them with access to the safer-use supplies they are
8 requesting.

9 Q And so this is -- if someone is -- is truly --
10 you know, if they look like they're experiencing a
11 psychotic episode, but they want supplies, does this mean
12 that they're given the supplies without an offer of
13 treatment or referral?

14 A I'm not specifically talking solely about a
15 psychotic episode. I'm -- there are a wide array of
16 mental health symptoms that might present, by which there
17 could be a barrier to communication, to effectively have a
18 thoughtful communication about connection to treatment and
19 care. People need to be in the right headspace to be
20 ready to have a conversation to be connected to care and
21 treatment, and so we allow our providers to use their own
22 discernment about whether someone is effectively able to
23 communicate in that moment.

24 Q Okay. And I meant to give that as an example,
25 not a -- a complete description of a severe, untreated

1 mental health symptom; but is an example of that type of
2 symptom a psychotic episode that someone appears to be
3 experiencing, who shows up wanting supplies?

4 A In the case of a psychotic episode, we have
5 relationships with a variety of mental health providers,
6 including law enforcement. So if it was a true mental
7 health psychotic episode, we would use our best judgment
8 to ensure that someone had access to the care and
9 compassion that they needed in that moment.

10 Q Understood.

11 But if someone was experiencing or appeared to be
12 experiencing a psychotic episode, and they insisted on
13 obtaining supplies, is it correct that under this policy,
14 they could be given the supplies without any offer of
15 treatment or referral?

16 MS. MURPHY: Object to form.

17 THE WITNESS: I think under our policy, our staff
18 are to use their discernment, their best judgment, in a
19 moment on what's best for the -- the client in that
20 moment.

21 BY MR. DAVIS:

22 Q So the staff -- this policy gives the staff some
23 degree of discretion to decide whether or not someone
24 asking for the supplies, whether there's a need to offer
25 treatment or referrals. Is that fair?

1 BY MR. DAVIS:

2 Q And so my question was, do you think that would
3 be harmful for the family to walk -- have to walk by or
4 through a sidewalk that is congested with people who are
5 openly smoking narcotics?

6 (Simultaneous speakers.)

7 (Reporter clarification.)

8 MR. LONDEN: I -- my objection was "asked and
9 answered."

10 I did not instruct the witness not to answer.

11 MS. MURPHY: Mine was "same objection."

12 BY MR. DAVIS:

13 Q I'm sorry.

14 Do you have an answer, Doctor?

15 A I believe I've answered.

16 Q You can't simply say "yes" to that question, that
17 that might be harmful to families?

18 MR. LONDEN: Argumentative.

19 You can respond.

20 BY MR. DAVIS:

21 Q You mentioned the -- the benefits or the --
22 excuse me. You mentioned concern about the health of
23 people who are -- are struggling with addiction.

24 Can you tell me what you understand to be the
25 benefits of giving somebody who's struggling with

1 addiction smoking supplies?

2 A Yeah. I -- I believe that there are people who
3 are using substances, who are going to use substances
4 every day, and that there is a public health benefit to us
5 providing access to supplies that will reduce their harm.
6 So we've learned over time -- for example, in the access
7 to syringe access supplies, that syringe access supplies
8 help reduce the risk of infectious disease, like
9 hepatitis, HIV, and soft tissue infection.

10 And, similarly, in safer smoking supplies, we are
11 trying to reduce the risk of the spread of disease, of
12 people burning their lips, of inhaling other substances
13 that might burn their lungs, et cetera. So there's a
14 public health benefit of distributing these supplies if
15 people are, in fact, going to use.

16 Q I'm going to go back to Exhibit 9, to
17 Dr. Philip's deposition. Give me just a moment here. See
18 if I'm sharing that.

19 Do you see -- it's a document, and I've got the
20 page. It's page 3 of 3, some highlight at the top.

21 A I do.

22 Q Okay. Do you see -- do you recognize this is the
23 letter that the -- that you received from the City
24 announcing the new policy?

25 A I do see that.

1 **locations?**

2 A We don't currently offer glass straws. All of
3 our straws are plastic.

4 Q Okay. They could be offered a straw, they could
5 be offered foil?

6 A They could be offered an array of other safer
7 smoking supplies at a site where that is allowable, which
8 is currently our Bayview site.

9 Q And is there an age cutoff?

10 A Like, a lower-end age cutoff?

11 Q Yeah.

12 A Is that what you're saying?

13 Correct. We wouldn't -- I mean, we don't ask for
14 ID if -- we do not -- we do not currently ask for ID.

15 Q Okay. And so if someone comes in, and they
16 appear to be ten years old -- would they be able to obtain
17 supplies, as long as they went through the offer of
18 counseling process?

19 A Our -- our existing -- our existing policy does
20 not account for looking at individual's ID as a part of
21 the process. It's an anonymous service and, therefore, we
22 don't check IDs, which would include age. We follow the
23 same protocol, which is for every individual regardless of
24 identity; and so no matter their age, they would show up
25 and go through the same process.

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CERTIFICATE
OF
CERTIFIED SHORTHAND REPORTER

* * * *

The undersigned Certified Shorthand Reporter of the
State of California does hereby certify:

That the foregoing Proceeding was taken before me at
the time and place therein set forth.

That the testimony and all objections made at the
time of the Proceeding were reported verbatim by me and
were thereafter transcribed, said transcript being a true
and correct copy of the proceedings thereof.

In witness whereof, I have subscribed my name, this
date: November 17, 2025.

Jane Gallegos
JANE GALLEGOS, CSR No. 14676

EXHIBIT G

In the Matter of:

JANE ROE, ET AL. vs CITY AND COUNTY OF SAN FRANCISCO

SUSAN PHILLIP, M.D. MPH

October 28, 2025



JANE ROE, ET AL. vs CITY AND COUNTY OF SAN FRANCISCO
SUSAN PHILLIP, M.D. MPH 10/28/2025

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN
FRANCISCO/OAKLAND DIVISION

JANE ROE, an individual; MARY ROE,
an individual; SUSAN ROE, an
individual; JOHN ROE, an individual;
BARBARA ROE, an individual;
PHOENIX HOTEL SF, LLC, a
California limited liability company;
FUNKY FUN, LLC, a California limited
liability company; and 2930 EL
CAMINO, LLC, a California limited
liability company,

Plaintiffs,

**CERTIFIED
TRANSCRIPT**

vs.

Case No.
4:24-cv-01562-JST

CITY AND COUNTY OF SAN FRANCISCO,
a California public entity,

Defendants.

VIDEOTAPED DEPOSITION OF SUSAN PHILIP, M.D., MPH

REPORTED FROM SAN FRANCISCO, CALIFORNIA

DATE: TUESDAY, OCTOBER 28, 2025

TIME: 10:30 A.M. - 3:03 P.M.

PAGES: 1 - 188

REPORTED BY:

TAMARA L. HOUSTON

CA CSR NO. 7244, RPR, CCRR NO. 140, NY CSR

JOB: 4928 1090741

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SUSAN PHILLIP, M.D. MPH

10/28/2025

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1 VIDEOTAPED DEPOSITION OF SUSAN PHILIP, M.D., MPH

2
3 Pursuant to Subpoena and Notice of Taking
4 Deposition, and on Tuesday, October 28, 2025,
5 commencing at the hour of 10:30 a.m., at Walkup,
6 Melodia, Kelly & Schoenberger, 650 California
7 Street, 25th Floor, San Francisco, California,
8 before me, Tamara Houston, California Certified
9 Shorthand Reporter No. 7244, appeared Susan Philip,
10 M.D., MPH, produced as a witness in the
11 above-entitled action, who, having been first duly
12 sworn, was thereupon examined as a witness to said
13 action.

1 more recent -- those would be my most recent
2 publications would be on public health implications
3 of COVID.

4 Q. And these are publications in
5 peer-reviewed journals?

6 A. Yes, they are.

7 Q. Can you ballpark for me how many
8 publications you have in peer-reviewed journals?

9 A. I do not have an exact number. I estimate
10 it's about three -- three dozen.

11 Q. Have you published anything in the topic
12 of addiction or addiction medicine?

13 A. No, I have not.

14 Q. When you -- when you had a clinical
15 practice up until the pandemic, generally what was
16 your patient base? Who were you treating?

17 A. Both a primary care for people living with
18 HIV.

19 Q. Okay.

20 A. And also specialty consultation for
21 inpatients at San Francisco General Hospital who had
22 infectious diseases.

23 Q. And you're an employee of the City?

24 A. Yes, I am.

25 Q. How long have you worked for the City?

1 ingest fentanyl and methamphetamines.

2 A. Yes. I am not aware of any larger amount
3 of those substances in the Tenderloin compared to
4 other areas of the city.

5 Q. Okay. And you just have no idea if there
6 is more of that in the Tenderloin compared to, let's
7 say, Pacific Heights?

8 MS. WALD: Objection to form.

9 THE WITNESS: My -- where I work is along
10 Civic Center, South of Market, Tenderloin, in those
11 areas where I am working and spend most of my time.
12 And there are issues within those neighborhoods.

13 BY MR. DAVIS:

14 Q. And -- and discarded paraphernalia, at
15 least in the Tenderloin, we can agree that that
16 would be a potential hazard to the health of the
17 children, wouldn't it?

18 MS. WALD: Objection to form. Calls for
19 speculation. Incomplete hypothetical. Vague.

20 THE WITNESS: What I can say is that not
21 just for children, but for adults as well, there is
22 always a concern about discarded materials such as
23 syringes or other smoking supplies, et cetera.

24 BY MR. DAVIS:

25 Q. Okay. You submitted a declaration in this

1 MS. WALD: Objection to the form of the
2 question.

3 THE WITNESS: So as stated here, our
4 department recognizes that there are benefits that
5 have been outlined by DPH, and we incorporate that
6 into thinking about what the overall policy should
7 be for San Francisco.

8 BY MR. DAVIS:

9 Q. Okay. And so my question is: Is that
10 a -- does your department, the San Francisco
11 Department of Public Health, recognize and
12 acknowledge that there is a health benefit to
13 handing out smoking supplies in the Tenderloin?

14 MS. WALD: Objection to form.
15 Argumentative.

16 THE WITNESS: What we recognize is that
17 there can be -- there can be benefits to the health
18 of people who use drugs if they have access to clean
19 smoking supplies.

20 BY MR. DAVIS:

21 Q. And can you list for me what the possible
22 benefits are of handing out smoking supplies in the
23 Tenderloin? What are the public health benefits
24 that you can think of?

25 A. Yes. Well, there can be injuries

1 associated with cracked or broken pipes or other
2 equipment in using those. There can also be
3 transmission of communicable diseases through
4 sharing of those materials, including potentially
5 hepatitis and viral infections.

6 **Q. Okay. Anything else?**

7 A. Those are the primary benefits that I am
8 aware of.

9 **Q. Okay. So one of the benefits is to**
10 **prevent someone from getting, I assume -- cutting**
11 **their lip or something on a cracked or broken**
12 **fentanyl pipe?**

13 **A. Yes.**

14 **Q. And is the idea that if you give someone a**
15 **pipe for free, that pipe is not likely to be damaged**
16 **and, therefore, they're not going to cut their lip?**

17 **MS. WALD: Objection to the form of the**
18 **question; incomplete hypothetical and misstates**
19 **testimony.**

20 **THE WITNESS: Could you -- could you**
21 **clarify?**

22 **BY MR. DAVIS:**

23 **Q. Yeah. I want to make sure I understand**
24 **the possible public health benefit, and I'm**
25 **following up on there could be an injury from a**

1 cracked or a broken pipe. And so how does handing
2 out smoking supplies to someone in the Tenderloin
3 prevent that injury?

4 A. By giving them a new intact pipe or other
5 supplies would avoid that potential for injury from
6 a cracked or broke pipe.

7 Q. And is the concern that if you didn't give
8 them a new pipe that they might use an old pipe and
9 cut their lip?

10 MS. WALD: Incomplete hypothetical.
11 Misstates testimony.

12 THE WITNESS: Yes, that is -- that is
13 possible that that could happen.

14 BY MR. DAVIS:

15 Q. Okay. Have you heard of that happening?

16 A. I have not personally heard of that
17 happening.

18 Q. Has it come to your attention that that
19 was an injury that was happening with some frequency
20 in San Francisco? In other words, people --
21 fentanyl users were cutting their lips on pipes?

22 A. It was not brought to my attention that
23 that was a --

24 Q. Have you ever heard of it happening even
25 once?

1 A. I have not heard of that occurring in
2 San Francisco.

3 Q. Okay. The other possible public health
4 benefit that you mentioned was, I think, the
5 prevention of -- or trying to stop the transmission
6 of diseases such as hepatitis and other viral
7 diseases.

8 Do I have that right?

9 A. Correct.

10 Q. Is there literature saying that that's a
11 possibility that can happen with smoking pipes?

12 MS. WALD: Objection to the form of the
13 question. Incomplete hypothetical.

14 THE WITNESS: My understanding is that --
15 and my understanding in discussions are -- with
16 other public health colleagues and my understanding
17 of the public health literature is that, yes.

18 BY MR. DAVIS:

19 Q. Okay. And as the Population Health
20 director for the city and the health officer, did it
21 come to your attention that that's actually been
22 happening? In other words, that diseases were being
23 spread because people were sharing --I guess people
24 are sharing pipes? Is that how the disease gets
25 spread?

1 MS. WALD: Objection to form.

2 THE WITNESS: Yes, the disease could be
3 spread by people sharing pipes.

4 BY MR. DAVIS:

5 Q. If you hand out a pipe to an addict for
6 free, is there anything to prevent that addict from
7 using that pipe and then sharing it with somebody
8 else?

9 MS. WALD: Objection to form.

10 THE WITNESS: Not to my knowledge.

11 BY MR. DAVIS:

12 Q. Okay. Now, in the calendar year 2025,
13 since Dr. Tsai became the director --

14 A. Daniel Tsai is not a doctor. He's a -- so
15 his title is just director of --

16 Q. Director. Since Mr. Tsai became the
17 director, there have been some changes with respect
18 to the City's policies with respect to the
19 distribution of smoking supplies; is that generally
20 true?

21 A. That is correct, in April of 2025.

22 Q. And were those changes to the policies
23 discussed at the executive level?

24 A. Yes, they were.

25 Q. And did you participate in those

1 BY MR. DAVIS:

2 Q. And I'm -- I'm focused on any discussion
3 or statements to the effect that there is a public
4 health benefit to be recognized or achieved by
5 handing out smoking supplies. And so we've talked
6 about two. And I'm wondering if there are any
7 others that come to mind.

8 A. Yes. The other benefit would be engaging
9 a person who uses drugs via smoking in a
10 conversation with a health worker or a member of a
11 staff of a community-based organization so that they
12 are told about opportunities for treatment and
13 recovery in San Francisco.

14 Q. So would it be -- if I can summarize it,
15 one benefit is if you coupled the distribution with
16 a conversation about getting the user into treatment
17 or recovery, that could be a benefit?

18 A. Correct. That could be a benefit.

19 Q. Any others come to mind?

20 A. Well, related to the conversation about
21 treatment, it is also keeping a person engaged with
22 public health entities to continue to assess
23 readiness for core treatment and offer those.

24 Q. So keeping that addict engaged, if you
25 will, so that perhaps in the future he or she will

1 opt for recovery treatment?

2 A. Yes.

3 MS. WALD: Objection to form. Vague as to
4 "addict."

5 THE WITNESS: The term we use is "a person
6 who uses drugs," yes.

7 BY MR. DAVIS:

8 Q. Okay. And you understand that many of
9 them, probably the majority, are addicts?

10 MS. WALD: Objection to form. Lacks
11 foundation.

12 THE WITNESS: I do understand that the
13 substances they are using are addictive substances.

14 BY MR. DAVIS:

15 Q. Yeah. Okay. Have we covered all of the
16 possible public health benefits that were discussed
17 in the leadership team with respect to the
18 distribution of smoking supplies? And we're talking
19 of the 2005 -- 2025 time period.

20 MS. WALD: Objection to form.

21 THE WITNESS: Those are generally the ones
22 that I recall, yes.

23 BY MR. DAVIS:

24 Q. Did anyone talk about possible negative
25 effects or consequences of handing out the supplies?

1 and off the street?

2 A. For this -- for this change in policy that
3 happened in April --

4 Q. Mm-hmm.

5 A. So take some time to see those data. So
6 the idea is to continue to monitor, as we have been
7 doing, the uptake and connection of people into --
8 into treatment.

9 Q. And, to your knowledge, have any people
10 been linked to treatment since this new policy went
11 into effect?

12 MS. WALD: Objection. Vague.

13 THE WITNESS: I am not aware of -- of
14 those data.

15 BY MR. DAVIS:

16 Q. Okay. You -- did you become aware when
17 the Linkage Center was operating that there was
18 almost no linkage of people with services with
19 respect to that center?

20 MS. WALD: Objection. Misstates
21 testimony. Lacks foundation. Argumentative.
22 Objection to form.

23 THE WITNESS: After the Linkage Center was
24 closed at the end of 2022, I did understand that
25 there were very few people who were able to be

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1 personally -- have little involvement in the
2 distribution of these supplies in terms of you
3 personally or your division?

4 A. My division does not have direct
5 day-to-day involvement.

6 Q. And so that would be something that
7 Dr. Kunins would know more about?

8 MS. WALD: Calls for speculation.
9 Objection to form. Lacks foundation.

10 THE WITNESS: This work is within
11 Dr. Kunins's division.

12 BY MR. DAVIS:

13 Q. Okay. And as far as you know, this is a
14 policy that that Director Tsai would agree with; in
15 other words, that if a teenager goes into a
16 City-supported vendor space and asks for smoking
17 supplies, the vendor can give that -- those supplies
18 to the teenager as long as counseling is offered; is
19 that correct?

20 MS. WALD: Objection to form and
21 incomplete hypothetical. Asked and answered.

22 THE WITNESS: My understanding is that
23 that could happen.

24 BY MR. DAVIS:

25 Q. Okay.

1 BY MR. DAVIS:

2 Q. Right. What -- tell me -- I don't need to
3 be a test, but are you saying that there is
4 peer-reviewed literature that is saying -- that says
5 it's a good idea from a public health perspective to
6 hand out smoking materials?

7 A. The data in the public health literature
8 are much stronger for handing out clean syringes and
9 safer injection supplies, but there are data, again,
10 peer-review data to also support --

11 Q. Tell me anything you know about that
12 supports -- I'm not talking about syringes. I'm
13 talking about smoking supplies. Are you aware of a
14 journal, an article, anything out there that says
15 that this is -- these are the public health
16 benefits?

17 A. I don't have the specific references.

18 Q. Okay.

19 A. But California's position is footnoted and
20 based on some of those data, and it is generally
21 accepted in the public health realm that there
22 are -- that there are benefits and that's why --

23 Q. Is it generally accepted in the public
24 health realm that the benefits of handing out
25 smoking pipes and things like that outweigh any --

1 discussion; and, again, that was part of the reason
2 for wanting to make sure this was linked to the
3 offer of treatment and making sure that there was
4 good neighbor policies in place.

5 BY MR. DAVIS:

6 **Q. Was there an acknowledgment that if we**
7 **hand out these supplies, people are likely to use**
8 **these supplies in public spaces?**

9 MS. WALD: Objection. Asked and answered.

10 THE WITNESS: There is an acknowledgment
11 of -- within our discussions that people were
12 already using drugs within the public sphere, and we
13 wanted to do everything we could to decrease that
14 for the health of the community and for the
15 individuals.

16 So continuing the evidence-based approach
17 of giving safer smoking supplies but doing it in a
18 more controlled settings and doing it always coupled
19 with the offer of treatment was the approach that we
20 took earlier this year.

21 BY MR. DAVIS:

22 **Q. Okay. And, again, even under the new**
23 **policy, folks in the Department of Public Health**
24 **understand and appreciate that the people who get**
25 **the supplies may use them on the streets and**

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1 sidewalks of the Tenderloin?

2 MS. WALD: Objection. Incomplete

3 hypothetical. Asked and answered many times.

4 THE WITNESS: Yes, we understand that that

5 is possible that that can happen.

6 MR. DAVIS: Okay. That's all I have.

7 Thank you very much. Appreciate your time.

8 COURT REPORTER: Counsel, may I get

9 transcript requests on the record, please.

10 MR. DAVIS: I probably need an expedited

11 copy. I don't need it video synced.

12 MS. WALD: We would like a copy of the

13 transcript.

14 MR. DAVIS: Thank you.

15 THE VIDEOGRAPHER: Going off the record.

16 The time is 3:03.

17 (Whereupon the proceedings concluded

18 at 3:03 p.m.)

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1)
STATE OF CALIFORNIA) ss.
2)
3

4 I, Tamara Houston, RPR, CCRR, CSR No. 7244, a
5 Certified Shorthand Reporter in the State of
6 California, duly empowered to administer oaths, do
7 hereby certify:

8 That, prior to being examined, the witness
9 named in the foregoing deposition was by me duly sworn
10 to testify to the truth, the whole truth, and nothing
11 but the truth;

12 That said deposition was taken down by me in
13 shorthand at the time and place therein named, and
14 thereafter reduced to typewriting by computer-aided
15 transcription under my direction;

16 That the dismantling, unsealing, or unbinding of
17 the original transcript will render the reporter's
18 certification null and void.

19 I further certify that I am not interested in the
20 event of the action.

21 In witness whereof, I have hereunto subscribed my
22 name.

23 Dated: 30th of October, 2025.

24 

25 TAMARA L. HOUSTON
CSR 7244, RPR, CCRR 140

EXHIBIT H

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

- - - - -

JANE ROE, an individual; MARY ROE,) CASE NO.
an individual; SUSAN ROE, an) 4:24-cv-01562-
individual, JOHN ROE, an individual;) JST
BARBARA ROE, an individual; PHOENIX)
HOTEL SF, LLC, a California limited)
liability company, et al.,)
Plaintiffs,)
vs.)
CITY AND COUNTY OF SAN FRANCISCO, a)
California public entity,)
Defendant.)

- - - - -

VIDEOTAPED DEPOSITION OF OMAR S. WARD
FRIDAY, NOVEMBER 7, 2025

BEHMKE REPORTING AND VIDEO SERVICES, INC.
BY: SUZANNE I. ANDRADE, CSR NO. 10682
550 CALIFORNIA STREET, SUITE 820
SAN FRANCISCO, CALIFORNIA 94104
(415) 597-5600

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Videotaped deposition of OMAR S. WARD, taken
on behalf of Defendant, at 1390 Market Street,
7th Floor, San Francisco, California, commencing at
10:10 A.M., FRIDAY, NOVEMBER 7, 2025, before Suzanne I.
Andrade, Certified Shorthand Reporter No. 10682,
pursuant to Notice.

1 APPEARANCES OF COUNSEL:

2 FOR PLAINTIFFS:

3 WALKUP, MELODIA, KELLY & SCHOENBERGER

4 BY: MATTHEW D. DAVIS, ATTORNEY AT LAW

5 650 California Street, 26th Floor

6 San Francisco, California 94108

7 Telephone: (415) 981-7210

8 Email: mdavis@walkuplawoffice.com

9
10 FOR DEFENDANT:

11 CITY AND COUNTY OF SAN FRANCISCO

12 OFFICE OF THE CITY ATTORNEY

13 BY: SABRINA M. BERDUX, DEPUTY CITY ATTORNEY

14 1390 Market Street, 7th Floor

15 San Francisco, California 94102

16 Telephone: (415) 554-3929

17 Email: sabrina.m.berdux@sfcityatty.org

18
19 ALSO PRESENT:

20 STEVE PATAPOFF, VIDEO OPERATOR

1 Q. How long did you speak for?

2 A. I can't recall how long we spoke for.

3 Q. Approximately, best estimate?

4 A. Mm, let me see. Did we... About five minutes.

5 Q. Was it on the phone or in person?

6 A. Over the phone.

7 Q. And what did you discuss? What was said?

8 A. Make sure the time and date of this, the
9 information about when this is going to be.

10 Q. Okay. And besides that conversation yesterday,
11 did you have any discussions with anybody else to
12 prepare for your deposition today?

13 A. No.

14 Q. Have you spoken with any of Plaintiffs'
15 attorneys before, besides to prepare for your
16 deposition?

17 A. No. I don't know the plaintiffs.

18 Q. Their attorneys. So Mr. Davis or anybody from
19 the Walkup law firm.

20 A. No.

21 Q. You've never spoken with any of the attorneys
22 in this case for the plaintiffs?

23 A. I -- I don't know who the plaintiffs are. So
24 when I spoke to somebody, I don't know if they was for
25 the plaintiffs or who they was for.

1 Q. You have not?

2 A. No.

3 Q. Okay. You've been -- do you take the videos
4 and -- let me back up.

5 The videos that you post to social media, do
6 you take those with your cell phone?

7 A. Yes, I take them with a cell phone.

8 Q. And how long have you been taking those videos?

9 A. I've been doing videos since 2022.

10 Q. Do you still have the phones that you took the
11 videos with before you got your new phone in 2024?

12 A. Yes.

13 Q. Are they at home?

14 A. Hmm?

15 Q. Are they at home?

16 A. No. They're with me.

17 Q. Oh, currently?

18 A. Mm-hmm.

19 Q. Yes?

20 A. Yes.

21 Q. Okay. Would that be another phone number that
22 you have been using?

23 A. It's not no number on the phone. It's just --
24 I just use it to use the video.

25 Q. Got it.

1 A. You want me to name everybody?

2 Q. Yeah.

3 A. Charles, Robert, Pam, Susan, Michael, James,
4 Joseph, Noah --

5 Q. Hold on. Slow down.

6 Charles, Robert, Pam, Joseph --

7 A. Noah.

8 Q. Noah.

9 A. Kimball.

10 Q. Kimball.

11 A. Mike Easton.

12 Q. Mike what?

13 A. Mike Easton.

14 Q. Easton? How do you --

15 A. Claire --

16 Q. How do you spell that, Easton?

17 A. E -- E-a-s-t.

18 Claire Huxtable. It's -- it's -- I can't name
19 everybody. It's a lot of names. I have a lot of
20 videos. There's a lot of names. I have a catalog of
21 over 500 videos.

22 Q. That was my next question, is: How many videos
23 do you have in your catalog?

24 A. I have catalog over 500 videos. And I can't --
25 we would be here for two days naming 500 people.

1 Q. Or even before December 2024?

2 A. No.

3 Q. Okay. Do you have a business address, or do
4 you use, like, your mailing or home address?

5 A. Business address.

6 Q. What's your business address?

7 A. 463 Ellis.

8 Q. Do you have a storefront?

9 A. Yes.

10 Q. All right. Please describe for me what is your
11 business.

12 A. Deli.

13 Q. Great.

14 So you sell food, sandwiches?

15 A. Yes.

16 ATTORNEY BERDUX: Let me mark as Exhibit C a Google
17 image.

18 (Deposition Exhibit C was marked for
19 identification.)

20 BY ATTORNEY BERDUX:

21 Q. Is that your business on Exhibit -- can you see
22 it on Exhibit C?

23 A. Mm-hmm.

24 ATTORNEY DAVIS: Do you have a copy for me?

25 ATTORNEY BERDUX: I will get you a copy. I just

1 A lot of people has places to go to.

2 You can go out there right now and walk down
3 the street. You going to see a lot of 18, 17, 19,
4 20-year-olds, 30-year-olds; they got family, and the
5 family want them home.

6 I can show you a lot of e-mails and texts.
7 "Tell my son to call me." "Tell my daughter to call
8 me." "Tell my wife to call me."

9 And I make those connections with people so
10 they could -- a lot of people come to my shop so they
11 can check their e-mails. That's what I do there. They
12 check their e-mails. They use the phone. They call
13 family or send word back out on the street. "Come talk
14 to your -- come call your mother." And that's what they
15 do.

16 I was going to show you, but I'll wait.

17 Yeah. So, technically, this is not homeless
18 crisis out there right now; it's a drug crisis. No
19 matter how you want to beat around the bush and say
20 homeless, but it's not a homeless crisis; it's a drug
21 crisis.

22 Because if the drugs wasn't there and this
23 person wasn't addicted, they can always go back home.
24 They can always go back home. Look.

25 Q. Since you've been in the -- in -- doing these

1 videos in 2022, have you noticed any changes over time
2 in the Tenderloin?

3 A. No. It's just -- everything just get shift
4 from street to street, another block and another block.

5 Q. Have you seen or observed the City's efforts to
6 try to keep the sidewalks clear, move people?

7 A. Oh, yeah. I see -- I see the efforts. They --
8 they -- they do try that. They do try that, though.
9 But in -- it works to an extent. It works until
10 somebody complain about it.

11 His -- when -- when this case went to news
12 media and the news media got ahold of it about a month
13 or two ago, they was talking about that people hanging
14 out in front of the hostel that's on the -- four,
15 five -- 600 block of Ellis. And that hostel learned
16 that their name was mentioned in there. The next day,
17 they went outside and moved everybody that was hanging
18 out in front, made them go to the -- they told them,
19 "No. Go -- go across the street."

20 They moved everybody across the street. As
21 long as they ain't in front of their building no more,
22 they're not worried about it.

23 Q. Do you see street crews throughout the
24 Tenderloin, like, trying to clean the streets, clean the
25 sidewalks, DPW, stuff like that operating on a daily

1 basis?

2 A. Yeah, I see that.

3 Q. Do you know what the neighborhood street teams
4 are?

5 A. Mm-hmm.

6 Q. Yeah?

7 Have you seen them out there?

8 A. Like the ambassadors, the HOT Team --

9 Q. Yeah. But --

10 A. -- Field Institute, yeah.

11 Q. But the City workers too, like the -- when DPW
12 goes out --

13 A. DPW.

14 Q. -- with SFPD and --

15 A. I see them -- I see them every day.

16 Q. Every day?

17 A. Every day.

18 Q. Okay.

19 A. But they come -- they come right now at
20 9:00 o'clock, do their little sweep, powerwash. After
21 they drive off, by the time they get to the next block,
22 the people moving right back over there.

23 It's an ongoing thing. The -- the -- the way
24 to solve that is start telling people, "Hey, you come
25 back and you set up your tent, you're going to get a

1 ticket." They not enforcing it.

2 To me, and to be honest with you, I feel as
3 though it's a waste of time and money and effort.
4 Because the City is spending a lot of money to just come
5 out there, powerwash the street, which, don't get me
6 wrong, that's a good thing. They cleaning the streets,
7 don't get me wrong, is good.

8 But just as they drive off, the same exact
9 people that moved away walk back. And they come back
10 two days later and do the same routine again to clean
11 up, powerwash again.

12 Now, if you're going to keep coming back to the
13 same spot doing the same thing every day, every day, at
14 least, after you clean it up, you get these people in
15 front of these people doorways.

16 Q. You have to get the drugs off the streets?

17 A. Not necessarily getting the drugs off the
18 streets, but -- because that -- that will never happen,
19 no matter how many time -- no matter what, drugs are
20 always going to be there; I know that. Don't get me
21 wrong. But you got to start somewhere.

22 And I'm not just saying arrest somebody because
23 they use drugs, no, not there. But to be all honest,
24 some people use -- need -- need that. Because once they
25 get in jail and somebody go sit down in jail for a few

1 Have you seen drug use on the streets your
2 entire life living in the city?

3 A. Not on -- not the way it is now.

4 Q. Mm-hmm.

5 A. I mean, I seen people get high outside but not
6 openly as they do it now. They do it too broadly,
7 openly.

8 They didn't used to do it like that. I'd say
9 about four to five years ago, about five, six years ago,
10 they wasn't all sitting out there openly doing it the
11 way they do it now.

12 Q. And there's been drug sales on the street
13 since --

14 A. Since forever.

15 Q. Forever.

16 A. But that wasn't done all openly like they do it
17 now. It's like they do it so openly now, it's like
18 it's -- it's -- this -- you want to see how openly they
19 do it?

20 Q. Oh, I've -- yeah. I've -- I've -- I've got
21 your social media.

22 A. You've watched my video?

23 Q. Yeah.

24 A. Oh, okay.

25 Q. Any other changes you've observed in the

1 Tenderloin let's say just within the last six months or
2 so?

3 A. Negative or positive?

4 Q. Both.

5 A. The last six months, certain areas is getting
6 cleaner than other areas. That's a good thing.

7 But like I said, as soon as they clean it, as
8 soon as they clean it, like -- I seen a new captain,
9 like, about two months ago. They made a statement they
10 was going to start having beat walkers walking along
11 certain streets -- certain streets in the Tenderloin.

12 Like, supposedly -- like, for example, they
13 going to have one walking from Golden Gate all the way
14 up to Ellis or Leavenworth. That lasted about three
15 weeks, and it's over with.

16 Every time they commit to something, it don't
17 last long. They don't keep -- it's like us from the
18 street, we call it keep your foot on their necks. Keep
19 your foot on their neck. It's like you stand with it.
20 You stand your ground.

21 They don't stand their ground, and they don't
22 keep -- they don't keep what they pushing. If they keep
23 their feet on their neck, they keep doing what they
24 doing, patrolling and cleaning up, it's going to keep
25 putting the same thing.

1 A. There was about 80 other people that donated on
2 there too.

3 Q. And when did you have your heart attack?

4 A. That was last year. I think February of last
5 year.

6 Q. Okay. Well, I hope you're doing well.

7 Okay. How well would you say that you know the
8 Tenderloin neighborhood of San Francisco?

9 A. I know it very well.

10 Q. How much time do you spend there on a typical
11 day, if there is a typical day?

12 A. Every day. That's -- majority of my whole day
13 is -- from the morning until -- I wake up until I go
14 back inside is in the Tenderloin.

15 Q. And is it correct that you often walk or ride
16 your scooter around the sidewalks and the streets of the
17 neighborhood?

18 A. Yes.

19 Q. Do you have any -- you've talked a little bit
20 about what you try to do for people who are dealing with
21 their drug addiction in the neighborhood. You've talked
22 a little bit about that.

23 Have you encountered people who are
24 experiencing overdoses?

25 A. Yes.

1 personally observed the distribution of these smoking
2 supplies. You know, there's 172 Turk.

3 Any other locations on Turk Street where you --
4 you're aware that smoking supplies are being handed out?
5 And let's just say within the past six months.

6 A. Yeah. There's the place at the Hospitality
7 House that's right next door to -- I mean, it's -- they
8 share the same building as the Coalition on
9 Homelessness. And they also does it there. That's,
10 like, the next block up.

11 Q. And what do you see -- what have you seen
12 happening -- I believe it's 290 Turk Street.

13 But what have you seen happening there?

14 A. Like recently, like two weeks ago, somebody
15 just overdosed in front of it, directly in front of
16 them. Because they're allowed to get high there.

17 Q. Okay.

18 A. I have that on video too.

19 Q. Do you -- do you have any information as to
20 whether smoking supplies are being handed out of that
21 location?

22 A. Yeah, they are, though. But it's, like -- it's
23 kind of hard for me to get in there to record, because
24 they know who I am and stops me at the door.

25 Q. You're becoming somewhat notorious?

1 I don't have any additional questions, but I'm
2 not concluding the deposition until we can receive and
3 review the document requests, including the videos that
4 you've agreed to provide me pursuant to the notice.

5 Thank you.

6 ATTORNEY DAVIS: I've got one other question.

7 THE WITNESS: Sure.

8 FURTHER EXAMINATION

9 BY ATTORNEY DAVIS:

10 Q. Have you seen people that you understand to be
11 under the age of 18 collecting safe-smoking -- so-called
12 safe-smoking supplies in the Tenderloin?

13 A. Yeah. I got a video of a person. I asked him
14 how old he was. I think he said he was 17 or something.

15 Q. When -- when was that video taken? I don't
16 need you to pull it up.

17 A. Earlier this year sometime.

18 Q. Okay. Have you seen other instances where
19 people who appeared to be under the age of 18 who were
20 collecting smoking supplies?

21 A. I can't remember right now.

22 I remember that one kid because I questioned
23 him about his age, and he told me his age. Because I
24 looked at him and said, "You look young."

25 ATTORNEY DAVIS: Okay. That's all I got. Thanks.

1 STATE OF CALIFORNIA)

2) ss.

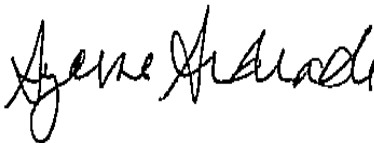
3 COUNTY OF SAN MATEO)

4 I hereby certify that the witness in the
5 foregoing deposition, OMAR S. WARD, was by me duly sworn
6 to testify to the truth, the whole truth and nothing but
7 the truth, in the within-entitled cause; that said
8 deposition was taken at the time and place herein named;
9 that the deposition is a true record of the witness'
10 testimony as reported by me, a duly Certified Shorthand
11 Reporter and disinterested person, and was thereafter
12 transcribed into typewriting by computer.

13 I further certify that I am not interested in
14 the outcome of said action nor connected with, nor
15 related to, any of the parties in said action, nor to
16 their respective counsel.

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 this 12th day of November, 2025.

19 Read and Sign was: Requested.

20
21 
22

23 SUZANNE I. ANDRADE, CSR NO. 10682

24 STATE OF CALIFORNIA
25

EXHIBIT I

In the Matter of:

JANE ROE, et al.

VS

CITY AND COUNTY OF SAN FRANCISCO

COMMANDER SCOTT BRIGGS

October 29, 2025



JANE ROE, et al. vs CITY AND COUNTY OF SAN FRANCISCO
COMMANDER SCOTT BRIGGS 10/29/2025

UNITED STATES DISTRICT COURT
NORTHERN OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

JANE ROE, an individual; MARY ROE,)
an individual; SUSAN ROE, an)
individual; JOHN ROE, an)
individual; BARBARA ROE, an)
individual; PHOENIX HOTEL SF, LLC,)
a California limited liability) Case No.
company; FUNKY FUN, LLC, a) 4:24-cv-01562-JST
California limited liability)
company; and 2930 EL CAMINO, LLC,)
a California limited liability)
company,)
Plaintiffs,)
v.)
CITY AND COUNTY OF SAN FRANCISCO,)
a California public entity,)
Defendants.)

Videotaped Deposition of COMMANDER SCOTT BIGGS
San Francisco, California
Wednesday, October 29, 2025

**CERTIFIED
TRANSCRIPT**

Reported Stenographically by
Michael P. Hensley, RDR, CSR No. 14114

JANE ROE, et al. vs CITY AND COUNTY OF SAN FRANCISCO
 COMMANDER SCOTT BRIGGS

10/29/2025

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UNITED STATES DISTRICT COURT

NORTHERN OF CALIFORNIA

SAN FRANCISCO/OAKLAND DIVISION

JANE ROE, an individual; MARY ROE,)	
an individual; SUSAN ROE, an)	
individual; JOHN ROE, an)	
individual; BARBARA ROE, an)	
individual; PHOENIX HOTEL SF, LLC,)	
a California limited liability)	Case No.
company; FUNKY FUN, LLC, a)	4:24-cv-01562-JST
California limited liability)	
company; and 2930 EL CAMINO, LLC,)	
a California limited liability)	
company,)	
)	
Plaintiffs,)	
)	
v.)	
)	
CITY AND COUNTY OF SAN FRANCISCO,)	
a California public entity,)	
)	
Defendants.)	
)	

Videotaped Deposition of COMMANDER SCOTT BIGGS,
 commencing at the hour of 10:07 AM and concluding at the
 hour of 10:53 AM on Wednesday, October 29, 2025, at the
 location of 650 California Street, 26th Floor, San
 Francisco, California 94108, before Michael Hensley,
 Registered Diplomat Reporter, Certified Shorthand
 Reporter No. 14114, in and for the State of California.

JANE ROE, et al. vs CITY AND COUNTY OF SAN FRANCISCO
COMMANDER SCOTT BRIGGS

10/29/2025

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1 A. Derrick Lew.

2 Q. How do you spell Deputy Chief Lew's last name?

3 A. L-e-w.

4 Q. Who's the acting chief?

5 A. The interim chief right now is Paul Yep.

10:13:52AM

6 Q. That's right.

7 A. Y-e-p.

8 Q. So you report to Deputy Chief Lew, and I

9 assume Deputy Chief Lew reports to Interim Chief --

10 A. Correct.

10:14:06AM

11 Q. -- Yep. Great.

12 And how many reports are there in the police
13 department to you?

14 A. So I have a -- one captain -- oh, actually,
15 I'm sorry. I have three captains that report to me.

10:14:15AM

16 Q. And is one of those captains the captain of
17 the Tenderloin district?

18 A. That is correct.

19 Q. Who's the current captain of the district?

20 A. Matt Sullivan.

10:14:28AM

21 Q. And did he assume that role from Danny
22 Manning?

23 A. He did.

24 Q. Just curious, who are the other two captains,
25 and what are their job responsibilities?

10:14:43AM

JANE ROE, et al. vs CITY AND COUNTY OF SAN FRANCISCO
COMMANDER SCOTT BRIGGS

10/29/2025

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1 A. Sure.

2 Mission station would be Sean Perdomo.

3 Q. Okay.

4 A. And then the DMAC current captain is James
5 Aherne.

10:14:55AM

6 Q. And how do we spell that last name?

7 A. A-h-e-r-n-e.

8 Q. Great. Okay.

9 And -- and -- do you have a physical office or
10 location out of which you work?

10:15:07AM

11 A. I do.

12 Q. And where is that?

13 A. At our headquarters on 3rd Street.

14 Q. Okay.

15 A. 1245 3rd Street.

10:15:15AM

16 Q. The new headquarters?

17 A. Yeah. "PHQ" we call it.

18 Q. Okay.

19 How often would you say you are in the
20 Tenderloin district of San Francisco?

10:15:22AM

21 A. Currently?

22 Q. Yes.

23 A. Regularly. I would say routinely on a weekly
24 basis, two times a week.

25 Q. And when you go there, do you -- do you tend

10:15:34AM

JANE ROE, et al. vs CITY AND COUNTY OF SAN FRANCISCO
COMMANDER SCOTT BRIGGS

10/29/2025

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1 do -- I do review any types of -- like, operations --

2 Q. Okay.

3 A. -- that are going to be put together that are
4 going to happen within the Tenderloin will come across
5 my desk.

10:16:47AM

6 Q. Going -- going back to -- to DMAC, does DMAC
7 have geographic boundaries?

8 A. So originally when DMAC started, the
9 geographic boundary was the Tenderloin. And then over
10 the course of time, based off of all of the work that we
11 have been doing in DMAC -- we deal with a lot of
12 displacement of folks out on the street in the drug
13 market; so it kind of -- the way I -- the way I like to
14 explain it is kind of like an accordion file --

10:17:01AM

15 Q. Mm-hmm.

10:17:20AM

16 A. -- where it kind of expands and then it
17 contracts just based off of our operational history and
18 kind of where we're working. So sometimes in the SoMa,
19 sometimes over into the northern, and then also pushes
20 up little bit into the lower Nob Hill area.

10:17:30AM

21 Q. Gotcha.

22 So the -- if you will, the epicenter of DMAC
23 is the Tenderloin, but sometimes things ebb and flow in
24 terms of conditions --

25 A. That is correct.

10:17:41AM

1 A. So over the past two years, the market has
2 changed in a couple of different ways.

3 One, from a 24/7 operation; it's really more
4 of a nighttime operation. And really, at this point in
5 time, the drug -- the prolific drug dealing really
6 occurs after 11:00 PM until about 6:00 AM in the
7 morning.

10:20:08AM

8 Primarily, the -- you know, the number one
9 drug that is sold out on the street is fentanyl, and
10 then close second is methamphetamine, then cocaine, and
11 then heroin.

10:20:25AM

12 Q. Okay.

13 A. Or really the -- the -- the real top four.

14 Q. Gotcha.

15 And -- and I -- and I assume you monitor
16 social media with respect to people reporting conditions
17 in the Tenderloin?

10:20:38AM

18 A. Occasional, yes.

19 Q. All over formally-known-as-Twitter/X I -- I
20 see a lot of postings about conditions in the
21 Tenderloin.

10:20:53AM

22 A. Yes. Regularly.

23 Q. Do you know who JJ Smith is?

24 A. I know his -- I know who he is.

25 Q. Okay.

10:21:00AM

1 A. Yes. I've seen him in the Tenderloin.

2 Q. And you've -- have you seen his postings?

3 A. I have.

4 Q. Okay.

5 Okay. That's -- that's really helpful.

10:21:06AM

6 In -- in terms of the -- the four predominant
7 drugs -- fentanyl, meth, cocaine, and heroin -- what --
8 what are the means of ingestions that the users in the
9 Tenderloin typically follow?

10 A. So each one can be different.

10:21:21AM

11 Q. Okay.

12 A. But I'll talk a little bit about fentanyl. So
13 fentanyl is primarily smoked, whether it's smoked in a
14 glass pipe or a piece of tinfoil where they heat up the
15 tinfoil and then they -- they inhale the fumes from the
16 smoke that emanates from --

10:21:37AM

17 Q. Okay.

18 A. -- you know, the heating up of the fentanyl.

19 Q. Okay.

20 How about meth?

10:21:46AM

21 A. So meth can be ingested in a couple different
22 ways. It can be injected, or it can be -- in kind of
23 same manner as fentanyl, can be smoked through the same
24 means.

25 Q. Cocaine?

10:22:03AM

JANE ROE, et al. vs CITY AND COUNTY OF SAN FRANCISCO
COMMANDER SCOTT BRIGGS

10/29/2025

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1 A. So cocaine base is usually smoked through a
2 glass pipe. I've seen people use -- try to use really
3 anything that's kind of metal consistency; so I've seen
4 it smoked out of like a -- a -- like a soda can --

5 Q. Mm-hmm.

10:22:29AM

6 A. -- or, you know, foil.

7 Q. Right.

8 A. So it's -- it's really just heating up the
9 substance where you get the smoke from the substance.

10 Q. Okay.

10:22:36AM

11 A. And then another means of ingestion of cocaine
12 -- that's cocaine base.

13 Q. Right.

14 A. Then cocaine salt is obviously snorted, and
15 also you can inject as well as.

10:22:45AM

16 Q. Gotcha.

17 How about heroin? And obviously there's --
18 people at least used to inject it. Is that still the --

19 A. Yeah, you can inject it. You can also smoke
20 it.

10:22:58AM

21 Q. Same way to smoke it with a pipe or --

22 A. Yeah, same ways.

23 Q. I -- I've seen comments that paraphernalia
24 kits sometimes contain steel wool or Brillo.

25 Is -- is -- is that used for some -- is that

10:23:11AM

1 somehow used to -- in ingesting drugs, based on your
2 experience?

3 A. Yeah. So usually Brillo is used to create --
4 I don't want to say this.

5 So, for example, in a meth -- or -- in a meth
6 pipe -- in a pipe --

10:23:21AM

7 Q. Mm-hmm.

8 A. -- it's usually something that would be pushed
9 into the pipe to create, like, a blockage --

10 Q. Mm-hmm.

10:23:30AM

11 A. -- to where -- then the narcotics can be
12 placed on top of that so when they're smoking it they
13 are not sucking in the actual narcotics themselves.
14 It's kind of like -- a barrier, I guess, would be the
15 easiest way --

10:23:43AM

16 Q. And that's --

17 A. -- to explain it.

18 Q. I've heard the --

19 (Admonition by the court reporter.)

20 BY ATTORNEY DAVIS:

10:23:53AM

21 Q. I've heard the term "bubbles" used.

22 Do you know what that is?

23 A. It would be like a bubble -- like a bubble
24 pipe.

25 Q. Okay.

10:24:01AM

1 individual who uses narcotics based off of really strong
2 addiction that they have --

3 BY ATTORNEY DAVIS:

4 Q. Mm-hmm.

5 A. -- depending on their drug of choice.

10:24:57AM

6 These folks tend to congregate and hang out on
7 sidewalks on specific blocks. When we first -- again,
8 when -- I'll go back.

9 When we first started DMAC, it was really kind
10 of all over the place. And since we have progressed
11 over the last two and a half -- well,

10:25:15AM

12 two-and-some-change years, you know, based off of all of
13 the efforts from the City, from all the different
14 agencies, we've really kind of been able to break up

15 that large congregation over that large geographical
16 area into certain -- "hotspot locations" is what we call
17 it. These folks tend to, you know -- they tend to

10:25:33AM

18 congregate in packs, large packs. They also tend to
19 congregate by themselves or with another person just
20 depending on, I guess, the climate or the given day or
21 whatever it may be.

10:25:53AM

22 You know, these folks do smoke and use
23 narcotics out in public regularly.

24 Current day, you see during the day is a lot
25 better than it once was, you know. And then at night is

10:26:14AM

1 really when we start to see a lot of -- a lot -- large
2 congregations of folks coming back out on the street.

3 Q. Okay.

4 And -- and earlier you -- you used the analogy
5 of an accordion to describe, if you will, the boundaries
6 of DMAC. And -- and I don't want to be cruel or
7 anything, but in -- in terms of dealing with these
8 congregate -- congregations of drug users, is it a
9 little bit of whack-a-mole? In other words, you -- you
10 address them in one area, and they tend to move to
11 another and --

10:26:30AM

10:26:44AM

12 Has that a problem in the Tenderloin?

13 A. People talk about whack-a-mole.

14 Q. Yeah.

15 A. The way I look at it --

10:26:56AM

16 Q. And I don't want to use a cruel term but

17 A. Yeah.

18 The way I look at it is that, you know, we --
19 we -- we definitely strategically deploy to certain
20 areas --

10:27:03AM

21 Q. Okay.

22 A. -- when there are these large hotspot
23 congregations. Over time, what we've realized is that
24 once -- we can't be everywhere all the time; so we
25 really pick a certain location --

10:27:16AM

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1 A. It's like an ecosystem. So what I've learned
2 over the last two years is that drug addiction is an
3 extremely powerful thing. In order for the folks to buy
4 drugs, they have to steal items from local
5 establishments.

10:32:41AM

6 And then what they end up doing is they bring
7 these items to the street. And I've witnessed --
8 witnessed this firsthand, that they will sell these
9 items out on the street for a lot lower price points
10 than they would be in a store. They get cash for these
11 items. There are folks out there that do buy stolen
12 items off of the street.

10:32:57AM

13 Q. Mm-hmm.

14 A. And then the drug user would then take that
15 money and go straight to a drug dealer --

10:33:10AM

16 Q. Mm-hmm.

17 A. -- to buy narcotics.

18 So that's why I talk about this ecosystem. It
19 all feeds into one another.

20 Q. Sort of a vicious cycle --

10:33:20AM

21 A. That's right.

22 ATTORNEY DAVIS: -- too? Got it.

23 Okay.

24 I -- someone forwarded an email to me
25 yesterday which I'm going to share with you. I'm

10:33:26AM

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1 wondering if you've seen this. I think it's an email
2 from yesterday.

3 We'll mark this as Exhibit 1.

4 (Exhibit 1 was marked for identification.)

5 BY ATTORNEY DAVIS:

10:33:46AM

6 Q. Okay.

7 Take a moment to -- to look at this email.

8 You'll see it's got a date of October 28th. I -- I've
9 redacted some of the forwarding information.

10 Have you seen this?

10:33:57AM

11 A. I have.

12 Q. And how did this come to your attention?

13 A. Via email.

14 Q. Okay.

15 And I assume you -- you recognize at least
16 some of the -- well, do you know who Kim Fisk --
17 Fink? -- Fisk is?

10:34:03AM

18 A. I've never met her, but she works for Golden
19 Gate -- she's associated with Golden Gate Theatre.

20 Q. Gotcha.

10:34:16AM

21 And I -- I -- I'm going to surmise that you
22 know at least some of the recipients of this email?

23 A. Yeah. I know some of them, yes.

24 Q. Okay.

25 And -- and in this email, obviously there's --

10:34:28AM

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1 there's a complaint about conditions around the Golden
2 Gate Theatre, which is in -- within DMAC, I guess?

3 A. Correct.

4 Q. Yeah.

5 And -- and you see there -- there's a
6 narrative, and then there's some photographs attached.

7 A. Yes.

8 Q. Are those photographs sort of fairly
9 representative of conditions that may arise or -- in
10 this area of the Tenderloin on any given night?

11 ATTORNEY BERDUX: Objection. Lacks
12 foundation. Calls for speculation. Overbroad.
13 Compound.

14 Go ahead.

15 THE WITNESS: Okay.

16 Yes.

17 BY ATTORNEY DAVIS:

18 Q. Okay.

19 A. Yes. They represent --

20 Q. Yeah.

21 A. -- conditions on -- conditions at night.

22 Q. Yeah.

23 And in terms of the -- the people who -- who
24 gather in this area at night, based on your experience,
25 are they -- they primarily drug users?

1 ATTORNEY BERDUX: Calls for speculation.

2 Lacks foundation. Compound. Overbroad.

3 Go ahead.

4 THE WITNESS: Drug users; but filtered into
5 these crowds or hoards or whatever word we would like to
6 use of people, there are drug dealers as well.

10:35:52AM

7 BY ATTORNEY DAVIS:

8 Q. Gotcha.

9 Okay.

10 And -- and based on your experience with this
11 area and as a commander of DMAC, the -- the -- the drug
12 users, when they are openly using drugs, are they
13 generally smoking those drugs?

10:36:02AM

14 ATTORNEY BERDUX: Overbroad. Compound. Lacks
15 foundation. Calls for speculation.

10:36:21AM

16 Go ahead.

17 THE WITNESS: That is one means of ingestion
18 of narcotics, by smoking, yes.

19 BY ATTORNEY DAVIS:

20 Q. And is that -- and maybe you don't -- I hate
21 to say this, but based on what you have seen in your
22 experience in the neighborhood, which is pretty
23 extensive, is -- is that the primary means of ingestion?

10:36:28AM

24 ATTORNEY BERDUX: Same objections.

25 ///

1 a lawsuit that was filed by the San Francisco City
2 Attorney's Office against the owners and operators of
3 some, if you will, corner stores in the Tenderloin.

4 And I don't know if you're -- you're
5 knowledgeable or not, but the City has brought
6 enforcement actions against some stores in the
7 Tenderloin alleging that those stores cause public
8 nuisances and violate other laws.

10:39:00AM

9 ATTORNEY BERDUX: Sorry, what's the question.

10 BY ATTORNEY DAVIS:

10:39:12AM

11 Q. Were you aware of that? That the City
12 attorney has brought, if you will, code-enforcement
13 actions against some of the stores in the Tenderloin?

14 A. Yes.

15 Q. Okay.

10:39:19AM

16 Are -- are you at -- at all -- or -- when I
17 say "you," I mean officers under your chain of
18 command -- involved at all with respect to those
19 enforcement actions?

20 A. So the San Francisco Police Department's
21 responsibility, it -- so we do investigate crimes that
22 occur and that we believe are occurring in different
23 business establishments within the Tenderloin --

10:39:31AM

24 Q. Mm-hmm.

25 A. -- and some. So we have done numerous

10:39:47AM

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1 investigations into different stores in the Tenderloin
2 for illegal gambling, the selling of narcotics, you
3 know, through these investigations. Once we go in,
4 obviously with search warrants -- that -- you know, the
5 thing -- the items that we're seizing are very
6 consistent with drug dealing and drug paraphernalia --

10:40:07AM

7 Q. Mm-hmm.

8 A. -- drug crimes.

9 Q. Gotcha.

10 And there's some coordination between your
11 department and the City Attorney's Office with respect
12 to these code-enforcement actions?

10:40:22AM

13 A. Yes.

14 Q. Okay.

15 If you'd look at the allegations contained
16 in -- in this complaint -- I'm not going to have you
17 look at all of them, but if we look at page 2, you know,
18 paragraphs 1 through 4.

10:40:29AM

19 Do you need some water?

20 A. No. I'm good, thanks.

10:40:46AM

21 Q. Okay.

22 There -- there's an allegation that the owners
23 and operators of these stores, among other things, sell
24 drug paraphernalia, and that -- that adversely affects
25 the neighborhood and the health and safety of those who

10:40:58AM

1 has adopted certain policies with respect to
2 organizations that receive funding in their distribution
3 of smoking supplies.

4 Are you with me?

5 A. Yep.

10:45:23AM

6 Q. And that the City policies, among other
7 things, will permit the distribution of those smoking
8 supplies subject to certain conditions, like it be
9 coupled with counseling or it be done indoors or
10 there -- or approved space.

10:45:34AM

11 Were -- were you generally aware that the City
12 has -- has adopted such policies?

13 ATTORNEY BERDUX: Objection. Compound. Lacks
14 foundation. Calls for speculation. Potentially
15 misrepresents prior testimony or evidence in the case.

10:45:44AM

16 Go ahead.

17 THE WITNESS: I do know that the Department of
18 Public Health has some policies and procedures around
19 that, but I don't know any specifics on it.

20 BY ATTORNEY DAVIS:

10:45:58AM

21 Q. Okay.

22 You certainly know where the GLIDE Church is
23 in the Tenderloin?

24 A. I do.

25 Q. Were -- were you aware that smoking supplies

10:46:02AM

1 are handed out from the parking lot of the GLIDE Church?

2 When I say "smoking supplies," I'm talking
3 about pipes, steel wool, foil, that type of thing.

4 A. I have heard that. I have not physically seen
5 it myself.

10:46:18AM

6 Q. Okay.

7 And -- and has anyone from the City, be it DPH
8 or any other City department, ever consulted with you as
9 to whether or not you think that's a good idea?

10 When I say "that," I mean the distribution of
11 smoking supplies in the Tenderloin.

10:46:30AM

12 A. I have not, no.

13 Q. Okay.

14 You've already established that you -- you
15 know former Captain Manning?

10:46:42AM

16 A. Yes.

17 Q. He's -- I -- I understand he's now retired?

18 A. Yes.

19 Q. I have -- oops, I'm sorry.

20 A. I've known him for a very long time.

10:46:51AM

21 Q. I'm sorry --

22 (Indiscernible cross-talk.)

23 BY ATTORNEY DAVIS:

24 Q. Seems like a not only good individual, but he
25 was a very good police officer, I assume?

10:46:58AM

1 BY ATTORNEY DAVIS:

2 Q. And -- and to your knowledge -- first of all,
3 there's been testimony in this case, I will represent
4 to -- to you, that the City adopted a policy with
5 respect to the distribution of safe smoking supplies
6 that, among other things, said that the City could
7 designate authorized distribution sites for those
8 supplies.

10:50:27AM

9 You with me?

10 A. Okay. Yeah.

10:50:39AM

11 Q. Are you aware of any authorized distribution
12 sites in the Tenderloin?

13 A. I am aware of the policy --

14 Q. Okay.

15 A. -- but I don't know specifically where those
16 locations would be.

10:50:49AM

17 Q. No -- no one from the City has shared that
18 information with you?

19 A. No.

20 Q. You -- you've read Captain Manning's
21 testimony.

10:50:56AM

22 What is your view about the handing out of
23 smoking supplies in the Tenderloin?

24 ATTORNEY BERDUX: Objection. Overbroad.
25 Compound. Lacks foundation. Incomplete hypothetical.

10:51:09AM

1 CERTIFICATE OF SHORTHAND REPORTER

2
3 I, Michael P. Hensley, Registered Diplomat
4 Reporter for the State of California, CSR No. 14114, the
5 officer before whom the foregoing deposition was taken,
6 do hereby certify that the foregoing transcript is a
7 true and correct record of the testimony given; that
8 said testimony was taken by me stenographically and
9 thereafter reduced to typewriting under my direction;
10 that reading and signing was not requested; and that I
11 am neither counsel for, related to, nor employed by any
12 of the parties to this case and have no interest,
13 financial or otherwise, in its outcome.

14
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21
22
23
24
25



Michael P. Hensley, CSR, RDR

EXHIBIT J

In the Matter of:
JANE ROE, ET AL. vs CITY AND COUNTY OF SAN FRANCISCO

JOSEPH WILSON

November 14, 2025



JANE ROE, ET AL. vs CITY AND COUNTY OF SAN FRANCISCO
JOSEPH WILSON 11/14/2025

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO/OAKLAND
DIVISION

JANE ROE, an individual; MARY ROE,)
an individual; SUSAN ROE, an)
individual; JOHN ROE, an)
individual; BARBARA ROE, an)
individual; PHOENIX HOTEL SF, LLC,)
a California limited liability)
company; FUNKY FUN, LLC, a)
California limited liability)
company; and 2930 EL CAMINO, LLC,)
a California limited liability)
company,)

Plaintiffs,)

v.)

CITY AND COUNTY OF SAN FRANCISCO,)
a California public entity,)

Defendants.)

**CERTIFIED
TRANSCRIPT**

Case No.
4:24-cv-01562-JST

DEPOSITION OF JOSEPH WILSON

Taken via Zoom

Friday, November 14, 2025

Reported by Jane Gallegos, CSR
Certificate No. 14676

JANE ROE, ET AL. vs CITY AND COUNTY OF SAN FRANCISCO
JOSEPH WILSON 11/14/2025

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO/OAKLAND
DIVISION

JANE ROE, an individual; MARY ROE,)
an individual; SUSAN ROE, an)
individual; JOHN ROE, an)
individual; BARBARA ROE, an)
individual; PHOENIX HOTEL SF, LLC,)
a California limited liability)
company; FUNKY FUN, LLC, a)
California limited liability)
company; and 2930 EL CAMINO, LLC,)
a California limited liability)
company,)

Plaintiffs,)

v.)

) Case No.
) 4:24-cv-01562-JST
)

CITY AND COUNTY OF SAN FRANCISCO,)
a California public entity,)
)
)

Defendants.)
)

On Friday, November 14, 2025, commencing at the hour
of 10:03 a.m., via Zoom, before me, Jane Gallegos,
Certified Shorthand Reporter in and for the State of
California, remotely appeared

JOSEPH WILSON,

called by the Plaintiffs, who, being by me first duly
sworn, was thereupon examined as a witness in said cause.

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1 A Joseph Wilson.

2 Q Mr. Wilson, I think we actually spoke briefly
3 once when you telephoned my office; but, again, my name
4 is -- is Matt Davis, and I'll be taking most of the
5 deposition here today.

6 Are you the executive director of the Hospitality
7 House in San Francisco?

8 A Yes.

9 Q How long have you been the executive director?

10 A Approximately eight and a half years.

11 Q How long have you been associated with the
12 Hospitality House?

13 A Roughly, a 40-year period.

14 Q Are you one of the founders of that entity?

15 A No.

16 Q And is the Hospitality House -- what would you
17 call it? Is it a nonprofit corporation? Is it some other
18 type of entity?

19 A It is a nonprofit organization based in the
20 Tenderloin.

21 Q Got it.

22 Have you ever given testimony under oath before?

23 A Yes.

24 Q How many times, would you say?

25 A Once or twice.

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1 And it's about four blocks south of Market. Do I
2 have that right?

3 A That's -- that's right.

4 Q Somewhere in that ballpark.

5 A Yes.

6 Q And what services, programs are offered out of
7 that location?

8 A We rent out the ground floor commercial space at
9 169 6th Street and 181 6th Street. Houses are 6th Street
10 Self-Help Center.

11 Q Now, Hospitality House is -- had a contractual
12 relationship with the City and County of San Francisco for
13 a number of years. Is that generally correct?

14 A Yes.

15 Q What, generally, does the Hospitality House do
16 for the City?

17 A We just mentioned the multiple programs. That's
18 generally what we do.

19 Q Okay. And you have -- you have mentioned --
20 well, let me -- there are going to be some exhibits to
21 your deposition, and I think I can -- can I drop these in
22 the chat? Do we have a chat? Yeah.

23 MR. DAVIS: I'm going to drop a document in the
24 chat, which we will mark as Exhibit 1.

25 (Exhibit 1 marked for identification.)

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1 Are you familiar with that term?

2 A Yes.

3 Q What harm reduction services is Hospitality House
4 providing to the City?

5 A We have a contract with the Harm Reduction
6 Therapy Center, which includes individual and group
7 therapy. We offer support groups; we offer community
8 engagement activities; we offer one-on-one case
9 management; we offer drop-in space at the multiple
10 locations; and we offer a connection with services such as
11 longer-term housing, access to -- or referrals to
12 behavioral health services, things of that nature.

13 Q You, yourself, are familiar with the term "harm
14 reduction"?

15 A Yes.

16 Q Can you tell us what you understand that term to
17 mean?

18 A Giving people multiple options in their potential
19 struggles with a variety of issues, including drug use;
20 including abstinence, if that's the option that people
21 choose. Harm reduction is based on the principle that
22 people have the opportunity to choose which approach works
23 best for them, and that's our approach to offering
24 services.

25 Q In other words, the people who, maybe, experience

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1 this condition should -- they should have some autonomy to
2 make choices, rather than have things, if you will, shoved
3 down their throats?

4 A Correct.

5 Q And you, yourself -- are you a proponent of harm
6 reduction?

7 A Yes.

8 Q Now, I want to use terminology that doesn't
9 offend anyone and make sense to you.

10 The people that Hospitality House offers harm
11 reduction services to include people who, for lack of a
12 better word, are struggling with drug addiction?

13 A Yes.

14 Q Is that a -- a kind and fair way to describe it?

15 A Some are. Yes.

16 Q Okay. And in terms of the location through which
17 the Hospitality House, through its City contract, offers
18 harm reduction services -- does that include
19 290 Turk Street?

20 A Yes.

21 Q And, also, the location on Leavenworth around the
22 corner?

23 A Yes.

24 Q In the 6th Street location?

25 A Yes.

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1 BY MR. DAVIS:

2 Q Okay. And she -- you read what she -- she wrote
3 or she stated in her declaration that she personally made
4 some observations at 290 Turk Street?

5 A Yes. I have read that.

6 Q Okay. And -- and can you say whether that
7 happened? In other words, has it happened in the past
8 that somebody was handing out smoking supplies at the
9 290 Turk Street location?

10 MS. MURPHY: Object to form.

11 THE WITNESS: To my knowledge, no Hospitality
12 House employee at the 290 Turk Street location has handed
13 out safer smoking supplies.

14 BY MR. DAVIS:

15 Q Got it. And -- and thank you. And my question
16 is, has -- has anyone, maybe a non-Hospitality House
17 employee -- has it come to your attention that such
18 supplies have been distributed from that location?

19 MS. MURPHY: Same objection.

20 THE WITNESS: Not to my knowledge.

21 BY MR. DAVIS:

22 Q And did you -- when did you first see Mary Roe's
23 declaration?

24 A Some weeks ago.

25 Q Did you, yourself, do any investigation to

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1 determine whether there's any truth or merit to what she
2 says she has seen out of the 290 Turk Street location?

3 A No.

4 Q In other words, did you ever speak to anyone from
5 the Harm Reduction Therapy Center to say, "Hey, have you
6 guys been handing out supplies at one of our locations?"

7 A No.

8 Q Do you -- you have any basis to dispute what she
9 says she saw, in terms of the distribution of smoking
10 supplies at the 290 Turk Street location?

11 A Yes.

12 (Simultaneous speakers.)

13 MS. MURPHY: Object -- belated object to form.

14 BY MR. DAVIS:

15 Q Okay. And tell me the basis why you'd say she's
16 wrong.

17 A My office is at the 290 Turk Street location.
18 The employees at the 290 Turk Street location are familiar
19 with Hospitality House's policy. No Hospitality House
20 employee would distribute safer smoking supplies.

21 Q Got it.

22 And -- and I understand it's -- it sounds like
23 it's a strict policy for Hospitality House employees --
24 can't distribute the smoking supplies. Is that accurate?

25 A That's accurate.

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1 Q There are other people who use 290 Turk Street;
2 correct?

3 (Simultaneous speakers.)

4 BY MR. DAVIS:

5 Q -- Hospitality House Coalition on Homelessness --
6 there -- there are employees of Harm Reduction Therapy
7 Center; correct?

8 A Yes.

9 Q Are there volunteers with other organizations or
10 other people who sometimes use that location?

11 A Occasionally.

12 Q Okay. Do you know -- to your knowledge, have any
13 people from other organizations, be them volunteers,
14 employees, or somehow affiliated with other
15 organizations -- ever handed out smoking supplies out of
16 the 290 Turk Street location?

17 MS. MURPHY: Object to form.

18 THE WITNESS: To my knowledge, no.

19 BY MR. DAVIS:

20 Q And is the Hospitality House the master tenant of
21 that location, 290 Turk Street?

22 A Hospitality House is the owner of Turk Street.

23 Q And so Hospitality House gets to control what
24 happens at that location? You're the --

25 A Yes.

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1 BY MR. DAVIS:

2 Q Have you seen anyone handing out the supplies,
3 for example, from a cart on the sidewalks?

4 MS. MURPHY: Same objection.

5 THE WITNESS: No.

6 BY MR. DAVIS:

7 Q Now I just want to make sure -- I know that you
8 have reviewed Mary Roe's declaration, and you saw what she
9 says she saw happening at 290 Turk Street. Have you done
10 anything to -- I know you have some knowledge of the
11 location because you work there, but apart from that, have
12 you spoken to anyone? Have you conducted any
13 investigation to see whether there was any possibility
14 that smoking supplies were being handed out from that
15 location?

16 A Have I conducted an investigation? No.

17 Q Did you speak to anyone from the Harm Reduction
18 Therapy Center to ask them, "Are you handing out smoking
19 supplies?"

20 A You've asked me that question previously. No.

21 Q Okay. To your knowledge, does the Harm Reduction
22 Therapy Center -- people associated with that
23 organization -- do they hand out smoking supplies
24 anywhere? If it's not a Hospitality House, perhaps in
25 another location?

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(Recess.)

THE VIDEOGRAPHER: Back on the record now,
Counsel, at 10:58 a.m.

BY MR. DAVIS:

Q Welcome back, Mr. Wilson. I have maybe ten more
minutes, if that.

MR. DAVIS: I have dropped in the chat and will
mark as Exhibit 5.

(Exhibit 5 marked for identification.)

BY MR. DAVIS:

Q It's a document entitled "Revision to Program
Budgets," et cetera -- and let me share my screen.

And do you recognize this is a -- this is a
73-page document, and I'm just showing you the first page;
but you at least recognize this first page, sir?

A Yes.

Q And can you tell us what this is?

A This is -- this is a budget revision after the
fiscal year '24/'25 had started.

Q Gotcha.

And you signed this document, it looks like, on
September 17th, 2024?

A Correct.

Q And does this reflect that the compensation that
the City provided Hospitality House for its services

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1 during this contract period was \$8,636,330?

2 A Well, this is confirming that there's no change
3 to the total compensation.

4 Q Got it.

5 Is -- and so -- is that how much compensation the
6 City provided the Hospitality House for this contract
7 term?

8 A Well, it's over a two-year period, and it
9 includes a contingency. So our total compensation would
10 be less.

11 Q Okay. And how much less would the total
12 compensation be?

13 A I'd have to look at it and talk to our finance
14 manager; but, essentially, the contract budget includes
15 the total budget for the contract and a contingency for
16 whatever -- cost overruns; but, typically, it's -- it
17 certainly can't exceed that amount.

18 Q Very good.

19 And then I jumped to page 5 of the contract,
20 where it says this -- this term -- "R. Harm Reduction" is
21 the title. It says: "The program has a written internal
22 harm reduction policy that includes the guiding principles
23 per Resolution," and then there's a cite to some city
24 resolution.

25 Do you see that?

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1 Q Good guy?

2 A I know Mark.

3 Q Okay. Cares about the Tenderloin?

4 A I believe he does.

5 Q Okay. This is -- this is a -- a document. It
6 was marked as Exhibit 1. It's been authenticated by a
7 number of witnesses in this case. It's a flier that was
8 distributed when the Lincoln Center was in operation.

9 You remember the Lincoln Center?

10 A Yes.

11 Q Did -- did Hospitality House have any involvement
12 with the operation of Lincoln Center?

13 A No.

14 Q Okay. In any event, you see on this flier
15 that -- you can see has got the City seal down below it.
16 In the middle it says: "The following activities are
17 harmful to the whole community and will be lawfully
18 enforced," and then, "unhealthy and unsafe street
19 conditions are" -- first bullet point -- "selling and
20 storing illegal drugs."

21 You know -- do you, as the executive director of
22 the Hospitality House -- would you agree with that
23 statement, that the selling and storing of illegal drugs
24 in the neighborhood contributes to unhealthy and unsafe
25 street conditions?

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1 MS. MURPHY: Object to form.

2 THE WITNESS: I have no opinion about that, one
3 way or the other.

4 BY MR. DAVIS:

5 Q Okay. And the same thing with respect to using
6 illegal drugs in the public. Any -- any opinion whether
7 that contributes to unhealthy and unsafe street conditions
8 in the neighborhood?

9 MS. MURPHY: Same objection.

10 THE WITNESS: Same answer.

11 BY MR. DAVIS:

12 Q Would you agree that people who live in the
13 neighborhood would be better off if there wasn't open drug
14 use on the sidewalks and streets around their homes and
15 businesses?

16 MS. MURPHY: Object to form.

17 THE WITNESS: That's a subjective, you know,
18 opinion. I have no opinion about that.

19 BY MR. DAVIS:

20 Q Okay. And you have seen children walking through
21 the neighborhood past open drug use and open drug sales?

22 A Yes.

23 Q Any opinion as to whether that might be harmful
24 from the child's perspective?

25 MS. MURPHY: Object to form.

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1 THE WITNESS: In my opinion if -- when children
2 have someone that they know loves them and they're -- they
3 feel protected by the person that's with them, children
4 are in good hands.

5 BY MR. DAVIS:

6 Q Yeah. I had a different question.

7 And that is, you've seen children walk by open
8 drug use and open drug sales, and I'm asking if you would
9 agree that that would -- that could be harmful to the
10 child, regardless of who the child may be with.

11 MS. MURPHY: Object to form. Asked and answered.

12 MS. DANGA: Calls for speculation.

13 THE WITNESS: Same answer. No real opinion about
14 that.

15 MR. DAVIS: Okay. I thank you for your time,
16 Mr. Wilson. I really appreciate it. I have no further
17 questions.

18 THE VIDEOGRAPHER: Do we have any follow-up from
19 counsel?

20 MS. MURPHY: None from the City.

21 MR. DAVIS: Thank you, sir.

22 THE VIDEOGRAPHER: Okay. And just before we go
23 off the record, we do need orders on the record. So if
24 you'd like a copy of the video or transcript, please speak
25 up.

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CERTIFICATE

OF

CERTIFIED SHORTHAND REPORTER

* * * *

The undersigned Certified Shorthand Reporter of the
State of California does hereby certify:

That the foregoing Proceeding was taken before me at
the time and place therein set forth.

That the testimony and all objections made at the
time of the Proceeding were reported verbatim by me and
were thereafter transcribed, said transcript being a true
and correct copy of the proceedings thereof.

In witness whereof, I have subscribed my name, this
date: November 17, 2025.

Jane Gallegos

JANE GALLEGOS, CSR No. 14676


EXHIBIT K



606 Eddy St

EXHIBIT	<u>18</u>	PLTF.
WITNESS	<u>I. Manchester</u>	DEFT.
CONSISTING OF	<u>3</u>	PAGES
DATE	<u>9-17-25</u>	
BEHMKER REPORTING AND VIDEO SERVICES, INC.		

San Francisco, California

 Google Street View

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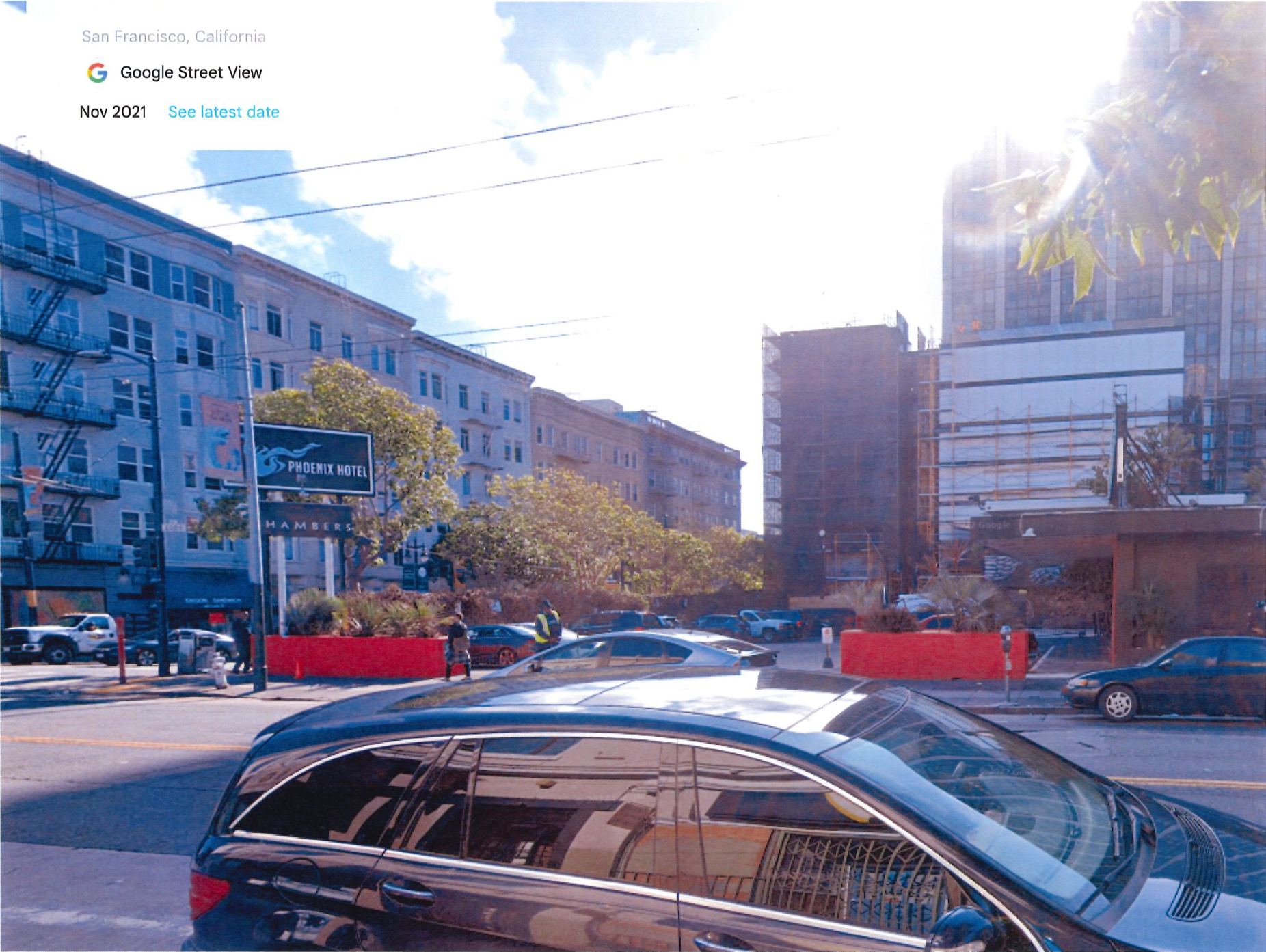




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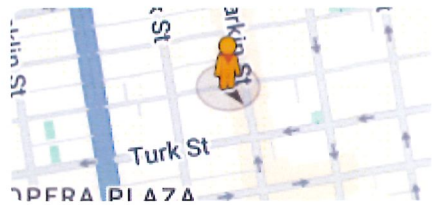


EXHIBIT L

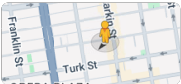
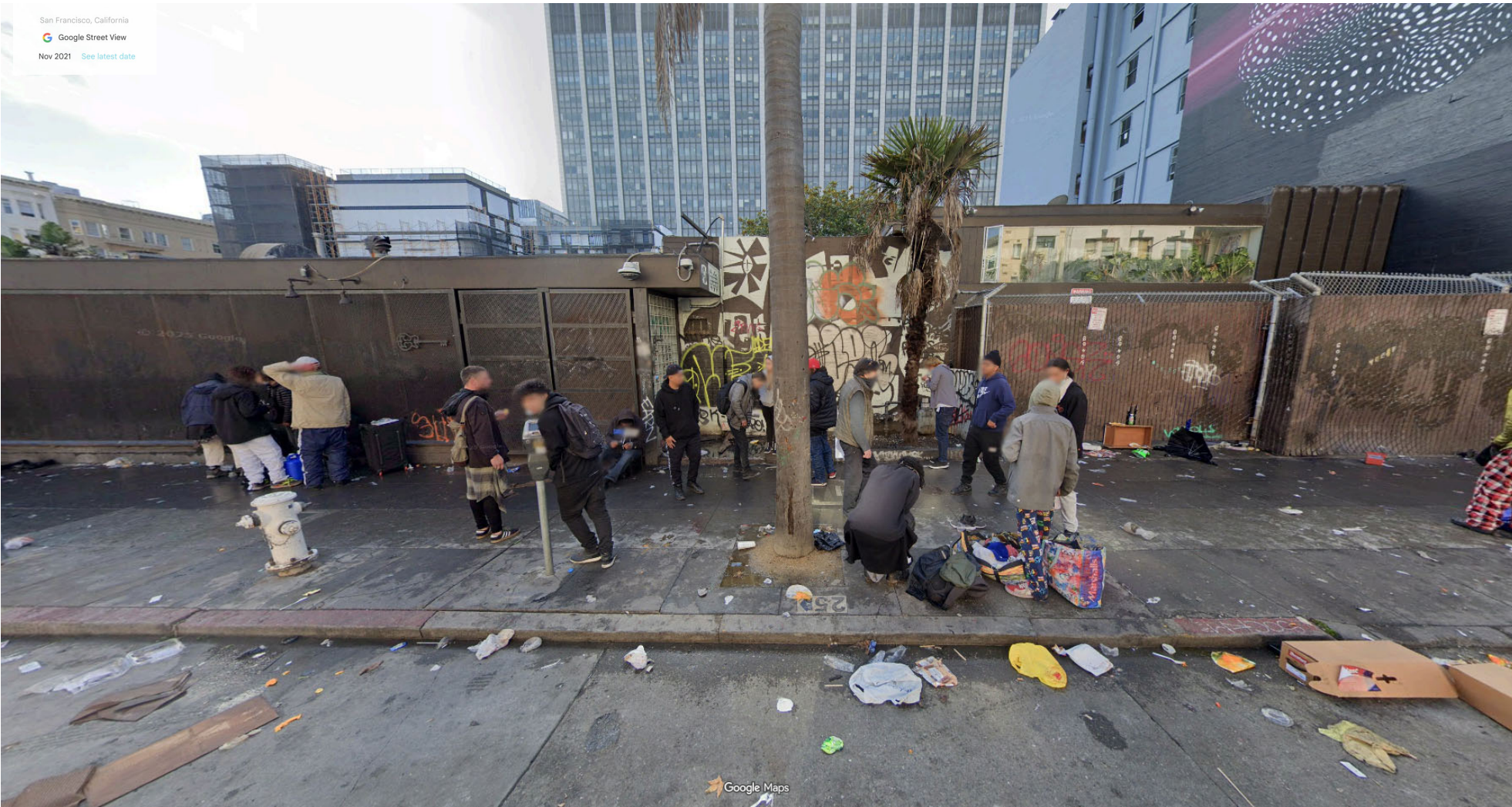


EXHIBIT M

Google Maps

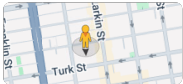
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PROOF OF SERVICE

**Jane Roe, et al. v. City and County of San Francisco, et al.
USDC-Northern California Case No. 4:24-cv-01562-JST**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the county where the mailing took place, My business address is 650 California Street, 26th Floor, City and County of San Francisco, CA 94108-2615.

On the date set forth below, I caused to be served true copies of the following document(s) described as

**DECLARATION OF ASHCON MINOIEFAR IN SUPPORT OF PLAINTIFFS'
REPLY, REQUEST FOR JUDICIAL NOTICE AND OBJECTIONS TO
EVIDENCE**

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1
2 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the
3 document(s) with the Clerk of the Court by using the CM/ECF system. Participants
4 in the case who are registered CM/ECF users will be served by the CM/ECF system.
Participants in the case who are not registered CM/ECF users will be served by mail
or by other means permitted by the court rules.

5 I declare under penalty of perjury under the laws of the United States of
6 America that the foregoing is true and correct and that I am employed in the office of
a member of the bar of this Court at whose direction the service was made.

7 Executed on November 21, 2025, at San Francisco, California.

8 

9
10

Kirsten Benzien